THE GENERAL STATUTES OF NORTH CAROLINA

1967 CUMULATIVE SUPPLEMENT

Completely Annotated, under the Supervision of the Department of Justice, by the Editorial Staff of the Publishers

UNDER THE DIRECTION OF
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Volume 4A

Place in Pocket of Corresponding 1955 Recompiled Volume of Main Set and Discard Previous Supplement

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Preface

This Cumulative Supplement to Recompiled Volume 4A contains amendments and supplementary annotations to the Constitutions of North Carolina and the United States, to the rules of practice in the Supreme Court of the State and to other matters within the scope of the volume. In addition it contains the rules of practice in the Court of Appeals of the State and the rules of practice in the United States District Courts for the Middle District, the Eastern District and the Western District of North Carolina. It also contains a table of the Session Laws of 1955, 1956, 1957, 1959, 1961, 1963, 1965, 1966 and 1967.

The members of the North Carolina Bar are requested to communicate any defects they may find in the General Statutes or in this Supplement, and any suggestions they may have for improving the General Statutes, to the Division of Legislative Drafting and Codification of Statutes of the Department of Justice, or to The Michie Company, Law Publishers, Charlottesville, Virginia.

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Scope of Volume

Constitutions:

Amendments to the Constitution of North Carolina adopted in 1956, 1962 and 1963.

Amendments to the Constitution of the United States ratified in 1961, 1964 and 1967.

Statutes:

Amendments to federal statutes relating to authentication of records, nationality and naturalization and removal of causes.

Table of Session Laws of 1955, 1956, 1957, 1959, 1961, 1963, 1965, 1966 and 1967.

Rules:

Rules of Practice in the Court of Appeals of North Carolina.

Amendments to rules of practice in the Supreme Court of North Carolina, to rules relating to extradition requisitions, to rules, etc., of The North Carolina State Bar, and to rules governing admission to the practice of law.

The rules of practice in the United States District Courts for the Middle District, the Eastern District and the Western District of North Carolina.

Annotations:

Sources of the annotations to the North Carolina Constitution and to the rules of practice in the State courts:

North Carolina Reports volumes 237-271 (p. 226).
Federal Reporter 2nd Series volumes 203-378 (p. 376).
Federal Supplement volumes 111-269 (p. 96).
United States Reports volumes 345 (p. 247)-387 (p. 427).
Supreme Court Reporter volumes 73 (p. 656)-87 (p. 1608).
North Carolina Law Review volumes 31 (p. 374)-45 (p. 809).

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1967 Cumulative Supplement

VOLUME 4A

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ARTICLE I

Declaration of Rights

§ 1. The equality and rights of persons.

Editor's Note.—

For article on the continuous revision of the Constitution, see 36 N. C. Law Rev. 297.

Statute Providing for Tile Contractor's License.—G. S chapter 87, article 3, requiring a license for any person, firm or corporation undertaking to lay, set or install ceramic tile, marble or terrazzo floors or walls, violates this section. Roller v Allen, 245 N. C. 516, 96 S. E. (2d) 851 (1957).

Statute Regulating Junk Yards. — See note to § 14-399.

Statute Making Insurance Carrier of Assigned Risk Policy Absolutely Liable.—Subsection (f) (1) of § 20-279.21 when applied to an assigned risk insurance policy issued in compliance with the plan set forth in § 20-279.34 and regulations pursuant thereto, does not deprive an insurance company of its property without due process of law and otherwise than by the law of the land in contravention of the Fourteenth Amendment to the Constitution of the United States, this section, and § 17 of this article. Jones v. State Farm Mut. Auto. Ins. Co., 270 N.C. 454, 155 S.E.2d 118 (1967).

Requiring Insurance Company to Pay Default Judgment Obtained Against Insured Under Assigned Risk Policy. — An insurance company who has been required to issue an assigned risk policy in accordance with § 20-279.34, is not denied due process in violation of the Fourteenth Amendment of the federal Constitution or in violation of this section and § 17 of this article by being required to pay an injured third party damages established by a default judgment obtained against its insured, even though insurer had no notice of the accident or the action against its insured, nothing else appearing and there being no question of collusion between insured and the injured third party. Jones v. State Farm Mut. Auto. Ins. Co., 270 N.C. 454, 155 S.E.2d 118 (1967).

Right to Earn Livelihood as Restaurateur Not Infringed by Statutes Controlling Alcoholic Beverages. — The constitutional right to earn a livelihood by engaging in the restaurant business is not infringed by either the Turlington Act or the ABC Act. D & W, Inc. v. City of Charlotte, 268 N.C. 577, 151 S.E.2d 241 (1966).

Default Judgment Restraining Pastor from Appearing at Church.—A judgment by default final restraining defendant, whom a majority of the members of a church had voted not to employ as its pastor after the year 1959 from appearing at the church after the year 1959 and acting or attempting to act as its pastor at a religious service or at any other church meeting, so long as he is not its pastor, violates no rights guaranteed to him by this article. Collins v. Simms, 254 N. C. 148, 118 S. E. (2d) 402 (1961); Collins v. Simms, 257 N. C. 1, 125 S. E. (2d) 298 (1962).

Local bond issue of town of Lake Lure held not to violate this section. Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Applied in Galloway v. Lawrence, 263 N.C. 433, 139 S.E.2d 761 (1965); Scarborough v. Adams, 264 N.C. 631, 142 S.E.2d 608 (1965).

Quoted in Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595 114 S. E. (2d) 688 (1960).

Cited in State v. Warren, 252 N. C. 690, 114 S. E. (2d) 660 (1960); Schloss v. Jamison, 258 N. C. 271, 128 S. E. (2d) 590 (1962); Schloss v. Jamison, 262 N.C. 108, 136 S.E.2d 691 (1964); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 2. Political power and government.

Quoted in Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958).

§ 3. Internal government of the State.

The Constitution of the United States takes precedence over the Constitution of North Carolina. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

Cited in Overnite Transp. Co. v. International Brotherhood of Teamsters, etc., 257 N. C. 18, 125 S. E. (2d) 277 (1962).

§ 5. Of allegiance to the United States Government.

The Constitution of the United States takes precedence over the Constitution of North Carolina. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

The delegation of authority to counties to construct water and sewer systems, contained in § 153-9, subsection 46, does not violate this section. Ramsey v. Board of Comm'rs for Cleveland County, 246 N. C. 647, 100 S. E. (2d) 55 (1957).

Cited in Southeastern Baptist Theological Seminary, Inc. v. Wake County, 251 N. C. 775, 112 S. E. (2d) 528 (1960); Overnite Transp. Co. v. International Brotherhood of Teamsters, etc., 257 N. C. 18, 125 S. E. (2d) 277 (1962).

§ 7. Exclusive emoluments, etc.

Counties Not Within Purview of This Section.—Counties, as political subdivisions of the State, do not seem to be within the purview of this section, considering the vast number of local legislative acts, including ABC laws in contradiction to the general prohibition law, which are passed each session by the General Assembly. Mathis v. North Carolina, 266 F. Supp. 841 (M.D.N.C. 1967).

Motivation of Legislation. —

In accord with original. See State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

The limitation of this section like that of Art. I, § 17, does not apply to an exemption from a duty imposed upon citizens generally if the purpose of the exemption is the promotion of the general welfare, as distinguished from the benefit of the individual, and if there is reasonable basis for the legislature to conclude that the granting of the exemption would be in the public interest. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

This section does not preclude the legislature from making classifications, etc.—

Obviously, this provision does not forbid all classifications of persons with reference to the imposition of legal duties and obligations. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Legislature Has Power to Grant Special Privilege to a Person to Facilitate Public Transportation.—Though, as a rule, a grant of a special privilege, not conferred upon persons generally, to a particular man for his own peculiar benefit, naming him, may be unconstitutional, the legislature unquestionably has the power, in order to provide for the public convenience or to facilitate transportation of persons and property, to confer on a designated person the right to build a bridge, or establish a ferry, with the power to charge tolls for the use of such crossings, and, in addition, to exempt the servant who may be placed in charge, from all public burdens. State v. Womble, 112 N.C. 862, 17 S.E. 491 (1893). State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

A pension paid a governmental employee for long and efficient service is not an emolument which, by this section, cannot be paid. To the contrary it is a deferred portion of the compensation earned for services rendered. Great American Ins. Co. v. Johnson, 257 N. C. 367, 126 S. E. (2d) 92 (1962).

An act authorizing the grant of an exclusive franchise to operate a race track was held unconstitutional as being in violation of this section. State v Carolina Racing Ass'n, Inc., 241 N. C. 80, 84 S. E. (2d) 390 (1954), commented on in 33 N. C. Law Rev. 109.

The exclusive privilege granted to the holder of a franchise to operate a dog race track under a statute is not in consideration of public service within the meaning of this section, and the statute is unconstitutional. State v. Felton, 239 N. C. 575, 80 S. E. (2d) 625 (1954) This is true notwithstanding a municipality receives a fraction of the gross receipts of such operation. State v. Carolina Racing Ass'n, Inc., 241 N. C. 80, 84 S. E (2d) 390 (1954), commented on in 33 N. C. Law Rev. 109.

Statute Providing for Tile Contractor's License.—G. S. chapter 87, article 3, requiring a license for any person, firm or corporation undertaking to lay, set or install ceramic tile, marble or terrazzo floors or walls, violates this section. Roller v. Allen, 245 N C. 516, 96 S. E. (2d) 851 (1957).

Private Act Incorporating Bank and Authorizing Summary Judgment on Note.—As long ago as Bank of Newbern v. Taylor, 6 N.C. 266 (1813), this court had before it the contention that this provision of our State Constitution made invalid a provision in a private act incorporating the Bank of Newbern, which authorized summary judgment and execution against one who defaulted in the payment of a note. The court said, "This objection will vanish when we reflect that this privilege is not a gift, but the consideration for it is the public good, to be derived to the citizens at large from the establishment of the bank." State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Milk Commission Act and Order Pursuant Thereto.—See note to § 106-266.8.

Local Acts Relating to Public Drunkenness.—See note to § 14-335.

Cited in State v. McGraw, 249 N. C. 205, 105 S. E. (2d) 659 (1958); Bryant v. Woodlief, 252 N. C. 488, 114 S. E. (2d) 241 (1960); Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595, 114 S. E. (2d) 688 (1960); State v. Warren, 252 N. C. 690, 114 S. E. (2d) 660 (1960); Great American Ins. Co. v. Gold, 254 N. C. 168, 118 S. E. (2d) 792 (1961); Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963); Shaw v. City of Asheville, 269 N.C. 90, 152 S.E.2d 139 (1967); Kornegay v. City of Raleigh, 269 N.C. 155, 152 S.E.2d 186 (1967).

§ 8. The legislative, executive, and judicial powers distinct.

Editor's Note.—For note on judicial review and separation of powers, see 45 N.C.L. Rev. 467 (1967).

The Supreme Court has, etc.—

In accord with 1st paragraph in original. See State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959).

Warrants.—The issuance of a warrant, whether considered a judicial act, a quasi-judicial act, a judicial function, or a ministerial act, does not require or involve the exercise of supreme judicial power within the meaning of this section. State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959).

A solicitor has no authority to administer an oath or to issue a warrant, absent authorization by the General Assembly. State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959).

Public-local law authorizing solicitor of recorder's court to issue warrants is not violative of this section. State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959).

North Carolina Turnpike Authority Act, §§ 136-89.59 to 136-89.77, does not violate this section. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Applied in State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Cited in In re Annexation Ordinances, 253 N. C. 637, 117 S. E. (2d) 795 (1961).

§ 10. Elections free.

Elector May Not Be Required to Take Oath Violating Section.—Membership in a party and a right to participate in its primary may not be denied an elector because he refuses to take an oath to vote in a manner which violates this constitutional provision. Clark v. Meyland, 261 N.C. 140, 134 S.E.2d 168 (1964).

Cited in Watkins v. Wilson, 255 N. C. 510, 121 S. E. (2d) 861 (1961).

§ 11. In criminal prosecutions.

Cross Reference.—

As to indigent person's right to counsel, see § 15-4.1.

Editor's Note.—

For note on the right to counsel, see 32 N. C. Law Rev. 331. For note on right of confrontation at presentence investigation, see 41 N. C. Law Rev. 260. For note on self-incrimination and the possibility of subjecting witness to punitive damages, see 42 N.C.L. Rev. 918 (1964).

For comment on right of counsel, see 44 N.C.L. Rev. 161 (1965). For comment on the Sixth Amendment right of confrontation made obligatory in State prosecutions, see 44 N.C.L. Rev. 173 (1965).

Information as to Accusation.—

This constitutional guaranty is, in essence, an embodiment of the common-law rule requiring the charge against the accused to be set out in the indictment or warrant with sufficient certainty to identify the offense with which he is sought to be charged, protect him from being twice put in jeopardy for the same offense, enable him to prepare for trial, and enable the court to proceed to judgment according to law in case of conviction. State v. Jenkins, 238 N. C. 396, 77 S. E. (2d) 796 (1953); State v. Nugent, 243 N. C. 100, 89 S. E. (2d) 781 (1955.)

The defendant has a constitutional right to have a bill of indictment for larceny and receiving stolen goods state the kind of property he is alleged to have taken or received, so that he can know precisely what he is called upon to meet, in order to have a fair and reasonable opportunity to prepare his defense, and so that, in the event of a conviction, the record may show with accuracy the exact offense of which he was convicted. The use of the embracive word meat in the bill of indictment deprived the defendant of this substantial constitutional right. State v. Nugent, 243 N. C. 100, 89 S. E. (2d) 781 (1955).

A bill of indictment that charges "in a plain, intelligible and explicit manner," as provided in § 15-153, the criminal offense the accused is put to answer affords the protection guaranteed by this section and § 12 of this article. State v. Helms, 247 N. C. 740, 102 S. E. (2d) 241 (1958).

It is an essential of jurisdiction that a criminal offense shall be sufficiently charged in a warrant or an indictment. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961).

An indictment, whether at common law or under a statute, to be good must allege lucidly and accurately all the essential elements of the offense endeavored to be charged. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961)

The allegations in a bill of indictment must particularize the crime charged and be sufficiently explicit to protect the defendant against a subsequent prosecution for the same offense. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961).

Same—Purpose.—The purpose of constitutional provisions guaranteeing the right to be informed of the accusation is: (1) Such certainty in the statement of the accusation as will identify the offense with which the accused is sought to be charged; (2) to protect the accused from being twice put in jeopardy for the same offense; (3) to enable the accused to prepare for trial; and (4) to enable the court, on conviction or plea of nolo contendere or guilty, to pronounce sentence according to the rights of the case. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961).

Same—Sufficiency of Charging Offense in Words of Statute.—While it is a general rule prevailing in this State that an indictment for a statutory offense is sufficient if the offense be charged in the words of the statute, the rule is inapplicable where the words of the statute do not in themselves inform the accused of the specific offense of which he is accused so as to enable him to prepare his defense or plead his conviction or acquittal as a bar to further prosecution for the same offense, as where the statute characterizes the offense in mere general or generic terms, or does not sufficiently define the crime or set forth all its essential elements. In such situation the statutory words must be supplemented by other allegations which so plainly, intelligibly and explicitly set forth every essential element of the offense as to leave no doubt in the mind of the accused and the court as to the offense intended to be charged. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961).

A warrant or indictment charging dissemination or possession of obscenity in violation of § 14-189.1 should at least so describe the alleged obscene matter or pictures, as to render them capable of identification. State v. Barnes, 243 N. C. 711, 117 S. E. (2d) 849 (1961).

Same—Motion to Quash.—A motion to quash is a proper method of testing the sufficiency of a warrant or an indictment to charge a criminal offense. State v. Barnes, 253 N. C. 711, 117 S. E. (2d) 849 (1961).

Confrontation—Definition.—

The word "confront" secures to the accused the right to have his witnesses in court, and to examine them in his behalf. It further secures to the accused a fair opportunity to prepare and present his defense, which right must be afforded him not only in form but in substance. State v Hackney, 240 N. C. 230, 81 S. E. (2d) 778 (1954); State v. Graves, 251 N. C. 550, 112 S. E. (2d) 85 (1960).

The right of confrontation carries with it not only the right to face one's accuser and witnesses with other testimony, but also the opportunity fairly to present one's defense. State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

Same—Right Not Denied by Introduction of Transcribed Testimony Given at a Former Trial of Same Offense Where Witness Unavailable.—The constitutional right of confrontation is not denied an accused by the introduction at a subsequent trial of the transcribed testimony given at a former trial of the same action by a witness who has since died, become insane, left the State permanently or for an indefinite absence, become incapacitated to testify in court as a result of a permanent or indefinite illness, or absented himself by procurement of, or connivance with, the accused. The accuracy of the transcription must be attested and it must appear that the defendant had a reasonable opportunity to cross-examine the witness. State v. Prince, 270 N.C. 769, 154 S.E.2d 897 (1967).

Where a trial was terminated prior to verdict at the instance of defendant to obtain other counsel the testimony of a witness at such trial, with full cross-examination taken in open court and properly attested, was properly admitted in evidence at the subsequent trial when it appeared that the witness was then on military duty outside the boundaries of the United States, and the admission of such testimony did not violate defendant's right of confrontation. State v. Prince, 270 N.C. 769, 154 S.E.2d 897 (1967).

Same — Where Witness Is Withdrawn Before Cross-Examination. — Where, during the testimony of a witness, the prosecution asks for and receives permission to withdraw the witness to be recalled later, but closes its case without recalling the witness, defendant, if he wishes to assert his right to cross-examine the witness, must request the court to have the witness return to the stand, and when he fails to do so, he may not assert that he was deprived of his constitutional right of confrontation. State v. Gattison, 266 N.C. 669, 146 S.E.2d 825 (1966).

Same — Admission of Record Showing Guilty Plea by Codefendant.—In a prosecution for aiding and abetting, the admission of the record showing that the codefendants had pleaded guilty to the offense deprived the defendant of her right of confrontation. State v. Jackson, 270 N.C. 773, 155 S.E.2d 236 (1967).

Depends upon Nature of Offense.—

In accord with original. See State v. Cruse, 238 N. C. 53, 76 S. E. (2d) 320 (1953).

There is no statutory requirement in this jurisdiction that the court must appoint counsel for indigent defendants not accused of capital felonies. State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

Prompt appointment of counsel in a capital case is mandatory and required by this section. State v. Pearce, 266 N.C. 234, 145 S.E.2d 918 (1966).

In cases less than capital the propriety of providing counsel, etc.—

In accord with original. See State v. Cruse, 238 N. C. 53, 76 S. E. (2d) 320 (1953).

This provision of the Constitution does not make it incumbent upon the trial judge in all cases of criminal prosecution for noncapital offenses to assign counsel, but only when the circumstances are such as would seem to require it as essential to a fair trial. State v. Cruse, 238 N. C. 53, 76 S. E. (2d) 320 (1953).

The propriety of providing counsel for a person accused of an offense less than capital is in the discretion of the trial judge. State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

If Apparent Necessity Is Shown, Assignment of Counsel Is Constitutional Right.—If counsel is requested and the circumstances show an apparent necessity for counsel to protect his rights, a defendant has the constitutional right to have counsel assigned him. State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

Petition Insufficient to Show Circumstances Requiring Court to Appoint Counsel.—Where petitioner, in a proceeding under the Post Conviction Hearing Act, neither alleged nor offered evidence that he was ignorant, of limited education, incompetent, or inexperienced in criminal trials, but his own testimony disclosed that at the time of the trial he was a mature man and had entered a plea of guilty to a felony some years prior thereto, without evidence that he had been unable to employ counsel on his own behalf, it was held that his petition was insufficient to show any special circumstances requiring the court to appoint counsel to represent him, even upon his request, and the failure of the court to appoint counsel for him did not violate his constitutional rights under this section or § 17 of the State Constitution or the Fourteenth Amendment to the federal Constitution. State v. Hackney, 240 N. C. 230, 81 S. E. (2d) 778 (1954).

Denial of Opportunity to Consult with Counsel, Family or Friends Violates Rights under Section.—Where defendant was held in custody nearly ten days without the opportunity to consult with counsel, or confer with his own family and friends, or have his interests protected, and was questioned during this entire period intermittently, denied sleep, and removed from one place to another, all the time being denied the opportunity to consult with counsel or friends, or appear before a committing magistrate, and other requirements such as being fully advised of his constitutional rights were not properly afforded defendant, it was held that his rights under this section were directly violated. Pugh v. North Carolina, 238 F. Supp. 721 (E.D.N.C. 1965).

Self-Incrimination—Scope of Protection.—

In accord with 2nd paragraph in original. See State v. Sheffield. 251 N. C. 309, 111 S. E. (2d) 195 (1959).

The privilege against self-incrimination is one against being compelled to testify. It furnishes no protection against the use of testimony which was voluntarily given. State v. Floyd, 246 N. C. 434 98 S. E. (2d) 478 (1957).

The constitutional inhibition against compulsory self-incrimination is directed against compulsion, and not against voluntary admissions, confessions, or testimony freely given on the trial. State v. Sheffield, 251 N. C. 309, 111 S. E. (2d) 195 (1959).

The constitutional guaranties against self-incrimination are to be liberally construed and they apply not only to criminal prosecutions but to any proceedings sanctioned by law, including examinations before trial. Allred v. Graves, 261 N.C. 31, 134 S.E.2d 186 (1964).

Same—Warning Given by Arresting Officers. — Where police officers arresting a person for murder told him that anything he said, or did not say, in response to statements made by an eyewitness could be used for or against him their warning violated the provision of this section which requires that no person charged with crime shall be compelled to give self-incriminating evidence. State v. Fuller, 270 N.C. 710, 155 S.E.2d 286 (1967).

Same—Silence in Face of Accusation of Guilt Made by Police.—Defendant's silence in face of an accusation of guilt cannot be competent as an implied admission when the accusation is made during interrogation of defendant by officers of the law. To compel defendant to reply to an accusation under such circumstances on pain of having his silence considered against him would amount to an infringement of his constitutional right not to be compelled to incriminate himself. State v. Fuller, 270 N.C. 710, 155 S.E.2d 286 (1967).

Same—Questions Subjecting Defendant to Punitive Damages.—This provision protects defendants from being required to answer questions, on an order of examination, which will necessarily tend to subject them to a verdict or an award of punitive damages, and to an execution against the person, the effect of which would be to deprive them entirely of their homestead exemption and of any personal property exemption over fifty dollars. Allred v. Graves, 261 N.C. 31, 134 S.E.2d 186 (1964).

Same—Where Right to Punitive Damages Relinquished. — In an action for malicious assault, if plaintiff seeks merely compensatory damages and relinquishes all claim to punish defendants by punitive damages and to arrest them by virtue of the provisions of § 1-410 (1) and to issue an execution against their persons by virtue of the provisions of § 1-311, defendants' claim of privilege against self-incrimination does not apply. Allred v. Graves, 261 N.C. 31, 134 S.E.2d 186 (1964).

Same — Evidential Circumstances on Accused's Body, etc.—

In accord with 1st paragraph in original. See State v. Paschal, 253 N. C. 795, 117 S. E. (2d) 749 (1961).

In accord with 3rd paragraph in original. See State v. Floyd, 246 N. C. 434, 98 S. E. (2d) 478 (1957).

Witnesses for the State had testified as to a small scar near the culprit's left eye, a small mole on his left ear, and gold fillings in his teeth. Upon return of the jury into the courtroom in disagreement as to defendant's identity as the culprit, the court did not commit prejudicial error in permitting a juror, with defendant's consent, to examine defendant's body for the distinguishing marks. State v. Floyd, 246 N. C. 434, 98 S. E. (2d) 478 (1957).

Same — Examination of Blood of Accused.—

Expert testimony as to the results of test of defendant's blood is admissible on the trial of a charge of driving a motor vehicle upon the public highways within the State while under the influence of intoxicating beverages. State v. Willard, 241 N. C. 259, 84 S. E. (2d) 899 (1954).

Same—Examination of Clothing. — No constitutional rights were invaded when an officer required defendant accused of rape to surrender for examination and analysis the clothing worn by him at the time the crime was alleged to have been committed. State v. Gaskill, 256 N. C. 652, 124 S. E. (2d) 873 (1962).

Same—Waiver of Privilege.—

A person may waive his right to be free from unreasonable searches and seizures. A consent to search will constitute such waiver only if it clearly appears that the person voluntarily consented, or permitted, or expressly invited and agreed to the search. Where the person voluntarily consents to the search, he cannot be heard to complain that his constitutional and statutory rights were violated. State v. Hamilton, 264 N.C. 277, 141 S.E.2d 506 (1965).

Search of Automobile.—Admission in evidence of implements of housebreaking and narcotic drugs found in defendant's automobile was not in violation of the provisions of this section, where it clearly appeared that the person voluntarily consented, or permitted, or expressly invited and agreed to the search. State v. McPeak, 243 N. C. 243, 90 S. E. (2d) 501 (1955).

Rights of co-defendant riding as a passenger or guest in defendant's automobile were not violated by the search of the car. State v. McPeak, 243 N. C. 243, 90 S. E. (2d) 501 (1955).

A guest or passenger in an automobile has no grounds for objection to a search of the car by a peace officer. State v. Hamilton, 264 N.C. 277, 141 S.E.2d 506 (1965).

No Right to Inspect Files of State Bureau of Investigation.—Where there is no contention that anything in the files of the State Bureau of Investigation was admitted in evidence and the record shows that no member of the Bureau testified during the trial, defendants' contention that they were entitled to an inspection of the files of the Bureau in regard to its investigation of the case is untenable and denial of their petition for such inspection does not violate any of their rights under this section of the Constitution of North Carolina, or under the Fifth, Sixth, Seventh, and Fourteenth Amendments to the federal Constitution. State v. Goldberg, 261 N.C. 181, 134 S.E.2d 334 (1964).

Conviction by Jury Required for Crime Not Petty Misdemeanor.—It is fundamental that a defendant charged with crime, other than a petty misdemeanor, who pleads not guilty, can be punished only after conviction by a jury. State v. Ellis, 262 N.C. 446, 137 S.E.2d 840 (1964).

But Special Verdict Covering Issues Is Sufficient.—In a prosecution under § 49-2 a verdict upon the issues of paternity and nonsupport, if resolved in favor of the State, is sufficient to support a judgment against defendant without a general verdict by the jury of guilty. This does not contravene the provisions of this section and N.C. Const., Art. I, § 13, requiring trial and verdict by jury in criminal cases. State v. Ellis, 262 N.C. 446, 137 S.E.2d 840 (1964).

Findings in a proceeding under the Post Conviction Hearing Act, disclosing that petitioners, although jointly tried, were not allowed to communicate with one another prior to trial, and that their attempts to contact witnesses and friends were unsuccessful, did not support the lower court's conclusion of law that petitioners had not been denied any rights guaranteed to them by this section and Art. I, § 17, of the State Constitution and the 14th Amendment to the Constitution of the United States. State v. Wheeler, 249 N. C. 187, 105 S. E. (2d) 615 (1958).

When Motion for Continuance, etc.—

In accord with original. See State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

A motion for continuance is addressed to the sound discretion of the trial judge and his ruling thereon is not subject to review on appeal, except in a case of manifest abuse; however, when the motion is based on a right guaranteed by the federal and State Constitutions, the question presented is one of law and the order of the court is reviewable. State v. Phillip, 261 N.C. 263, 134 S.E.2d 386 (1964).

Applied in State v. Greer, 238 N. C. 325, 77 S. E. (2d) 917 (1953); State v. Whittemore, 255 N. C. 583, 122 S. E. (2d) 396 (1961).

Cited in State v. Kerley, 246 N. C. 157, 97 S. E. (2d) 876 (1957).

§ 12. Answers to criminal charges.

Cross Reference.—As to sufficiency of indictment, see note to § 11 of this article.

This section sufficiently explains the function of the grand jury, etc.—

In accord with original. See State v. Mercer, 249 N. C. 371, 106 S. E. (2d) 866 (1959).

Noncapital Felonies and Misdemeanors.—

In accord with 2nd paragraph in original. See State v. Underwood, 244 N. C. 68, 92 S. E. (2d) 461 (1956).

A person charged with the commission of a misdemeanor cannot be tried initially in the superior court except upon an indictment found by a grand jury, unless he waives indictment in accordance with regulations prescribed by the legislature. State v Norman, 237 N. C. 205, 74 S. E. (2d) 602 (1953).

The constitutional requirement that criminal trials must be upon a bill of indictment is subject to two exceptions: (1) The legislature may provide means other than indictments by grand juries for the trial of petty misdemeanors; and (2) when represented by counsel, an accused may, in all except capital cases, waive indictment under rules prescribed by the legislature. State v. Stevens, 264 N.C. 364, 141 S.E.2d 521 (1965).

The legislature may or may not exercise its constitutional power to provide means of trial for petty misdemeanors other than upon a bill of indictment. State v. Stevens, 264 N.C. 364, 141 S.E.2d 521 (1965).

Valid Indictment Necessary.—This section requires a bill of indictment, unless waived, for all criminal actions originating in the superior court, and a valid bill is necessary to vest the court with authority to determine the question of guilt or innocence. State v. Bissette 250 N. C. 514, 108 S. E (2d) 858 (1959).

Indictment on Appeal.—

The legislature has not provided, on appeal from Stanly County court to the superior court in cases beyond the jurisdiction of a justice of the peace or a mayor, means of trial other than upon a bill of indictment. On the contrary, in such cases it has specifically provided that the defendant shall be tried only upon a bill found by the grand jury. State v. Stevens, 264 N.C. 364, 141 S.E.2d 521 (1965).

Trial in Superior Court upon Original Accusation.—

The superior court has no jurisdiction to try an accused for a specific misdemeanor on the warrant of an inferior court unless he is first tried and convicted for such misdemeanor in the inferior court and appeals to the superior court from the sentence pronounced against him by the inferior court on his conviction for such misdemeanor. State v. Hall, 240 N. C. 109, 81 S. E. (2d) 189 (1954); State v. Morgan, 246 N. C. 596, 99 S. E. (2d) 764 (1957); State v. Cofield, 247 N. C. 185, 100 S. E. (2d) 355 (1957).

A defendant convicted in a recorder's court having final jurisdiction of the offense charged may be tried in the superior court on appeal upon the original warrant without an indictment. State v Doughtie, 238 N. C. 228, 77 S E (2d) 642 (1953).

Enjoining Illegal Practices under Act Regulating Pharmacy. — See note to § 90-85.1.

Applied in State v. Greer, 238 N. C. 325, 77 S. E. (2d) 917 (1953).

Quoted in State v. Searcy, 251 N. C. 320, 111 S. E. (2d) 190 (1959).

§ 13. Right of jury.

Systematic Exclusion of Persons from Grand Jury Because of Race Requires Quashing Indictment Against Person of That Race. — More than 60 years ago the Supreme Court of North Carolina stated clearly that this section of the Constitution requires the sustaining of a motion to quash an indictment of a negro who proves that the members of his race have been systematically excluded from the juries of the county in which he has been indicted in State v. Peoples, 131 N.C. 784, 42 S.E. 814 (1902). Since that time it has never been doubted by the courts of this State that the provisions of this section and § 17, are to be so interpreted and that such systematic exclusion from the grand jury of persons, otherwise qualified, because of their race, requires, upon motion duly made, the quashing of an indictment returned against a member of that race by such grand jury irrespective of the fact that all members of the grand jury were, themselves, qualified jurors. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

But Exclusion of Class of Persons from Jury Service Will Not Always Invalidate Indictment.—Even the complete exclusion, by State law, of a group or class of persons from eligibility for jury service will not make invalid an indictment by a grand jury, selected in accordance with such State law, so long as there is no reasonable basis for the conclusion that the ineligible group or class would bring to the deliberations of the jury a point of view not otherwise represented upon it, at least where the defendant is not a member of the excluded group. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Poll of Jury.—

When requested in apt time, a party is entitled to have the jury polled; that is, to have an inquiry directed to each juror in order to ascertain his assent to the announced verdict. When the jury is so polled and the verdict is challenged, the record must affirmatively establish that each juror assented to the verdict entered. State v. Dow, 246 N. C. 644, 99 S. E. (2d) 860 (1957).

Jury Trial Preserved on Appeal.—

Where there is the right to appeal to the superior court and there obtain a trial de novo before a petit jury, the General Assembly can abolish jury trials in an inferior court by a direct enactment to that effect without transgressing this section. State v. Norman, 237 N. C. 205, 74 S. E. (2d) 602 (1953).

Conviction by Jury Necessary after Plea of Not Guilty.—It is fundamental that a defendant charged with crime, other than a petty misdemeanor, who pleads not guilty, can be punished only after conviction by a jury. State v. Ellis, 262 NC. 446, 137 S.E.2d 840 (1964).

But Special Verdict Covering Issues Is Sufficient.—In a prosecution under § 49-2 a verdict upon the issues of paternity and nonsupport if resolved in favor of the State, is sufficient to support a judgment against defendant without a general verdict by the jury of guilty. This does not contravene the provisions of Art. I, §§ 11 and 13, of the Constitution of North Carolina, requiring trial and verdict by jury in criminal cases. State v. Ellis, 262 N.C. 446, 137 S.E.2d 840 (1964).

Separate Provisions for Petty Misdemeanors.—

In accord with 4th paragraph in original. See State v. Underwood, 244 N. C. 68, 92 S. E. (2d) 461 (1956).

Same—Waiver of Right.—

Where, in a prosecution in the recorder's court for wilful failure to support his illegitimate child, defendant complies with the terms of the suspended judgment by making two payments according to its terms, paying the costs of court, and by executing a compliance bond pursuant to the terms of the judgment, he will be deemed to have knowingly and intelligently waived his statutory right to appeal to the superior court. State v. Cooke, 268 N.C. 201, 150 S.E.2d 226 (1966).

Trial in Superior Court on Warrant of Inferior Court.—See annotation under Art. I, § 12.

Trial in Superior Court on Original Accusation.—See annotation under Art. I, § 12.

Legislative Authorization in This Section Applied to Offenses Set Out in § 7-190.—See note to § 7-190.

Enjoining Illegal Practices under Act Regulating Pharmacy.—See note to § 90-85.1.

Cited in Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963).

§ 14. Excessive bail.

Editor's Note.—For case law survey as to cruel and unusual punishment, see 44 N.C.L. Rev. 936 (1966). For note on appellate review of legal but excessive sentences, see 44 N.C.L. Rev. 1118 (1966).

Cruel and Unusual Punishment.—

In accord with 3rd paragraph in original. See State v. Carter, 269 N.C. 697, 153 S.E.2d 388 (1967).

In accord with 5th paragraph in original. See State v. Lee, 247 N. C. 230, 100 S. E. (2d) 372 (1957).

When punishment does not exceed the limits fixed by the statute, it cannot be considered cruel and unusual punishment in a constitutional sense. State v. Davis, 267 N.C. 126, 147 S.E.2d 570 (1966); State v. Bruce, 268 N.C. 174, 150 S.E.2d 216 (1966); State v. Greer, 270 N.C. 143, 153 S.E.2d 849 (1967).

A punishment which is within the limits authorized by the statute cannot be held to be illegal or excessive in the constitutional sense, offending this section. Mathis v. North Carolina, 266 F. Supp. 841 (M.D.N.C. 1967).

Miscellaneous Cases.—

Where a sentence of 12 to 20 years' imprisonment was imposed for involuntary manslaughter, the punishment imposed was within the discretionary limits fixed by § 14-18, and while the punishment inflicted was substantial, the judgment pronounced did not come within the constitutional inhibition against "cruel or unusual punishments." State v. Smith, 238 N. C. 82, 76 S. E. (2d) 363 (1953). See State v. Brooks, 260 N.C. 186, 132 S.E.2d 354 (1963), in which the sentence was for not less than 10 nor more than 20 years' imprisonment.

A sentence of not less than 20 years nor more than 30 years on a plea of guilty to the charge of unlawful possession of implements of housebreaking, constitutes cruel and unusual punishment within the meaning of this section. State v. Blackmon, 260 N.C. 352, 132 S.E.2d 880 (1963), overruling State v. Swindell, 189 N.C. 151, 126 S.E. 417 (1925), and State v. Cain, 209 N.C. 275, 183 S.E. 300 (1936).

The imposition of sentence of life imprisonment upon conviction of the offense of kidnapping, the sentence to run consecutively after sentence of life imprisonment theretofore entered in a prosecution of defendant for rape, is not cruel or unusual punishment and is not forbidden by constitutional provisions. State v. Bruce, 268 N.C. 174, 150 S.E.2d 216 (1966).

A sentence of 24 to 30 years for the offense of robbery with firearms does not exceed the maximum prescribed by § 14-87 and does not constitute cruel and unusual punishment. State v. LePard, 270 N.C. 157, 153 S.E.2d 875 (1967).

Three sentences of 47 months each, to run concurrently, imposed on defendant's plea of nolo contendere to three felony counts charging felonious breaking and entering, larceny, and larceny of an automobile, being well within the statutory limits could not be considered cruel and unusual punishment. State v. Carter, 269 N.C. 697, 153 S.E.2d 388 (1967).

A sentence of 25 years imprisonment, imposed after a plea of guilty to 4 indictments charging felonious breaking and entering and larceny in violation of §§ 14-54 and 14-72, did not exceed the statutory maximum and was not cruel and unusual punishment in the constitutional sense. State v. Greer, 270 N.C. 143, 153 S.E.2d 849 (1967).

Although not expressly limited by statute, the extent of punishment for the crime of criminal trespass is limited by this section proscribing cruel or unusual punishments, and decisions of the State court indicate that imprisonment for up to two years would not be an "unusual punishment." Klopfer v. North Carolina, 368 U.S. 213, 87 Sup. Ct. 226, 17 L. Ed. 2d 141 (1967).

§ 15. General warrants.

Waiver of Protection.—By a voluntary waiver and consent to search, free from coercion, duress or fraud, and not given merely to avoid resistance a defendant relinquishes the protection of the Fourth Amendment to the United States Constitution, which prohibits unreasonable searches and seizures, and also relinquishes the protection given by this section against an unlawful search and seizure. State v. Little, 270 N.C. 234, 154 S.E.2d 61 (1967).

Protection Extends to Guilty as Well as Innocent. — The fundamental law protects a person from the search of his private dwelling without a warrant, which protection extends to all equally, the guilty as well as the innocent. State v. Mills, 246 N. C. 237, 98 S. E. (2d) 329 (1957).

The protection against illegal search extends to the justly, as well as to the unjustly, accused. State v. Hall, 264 N.C. 559, 142 S.E.2d 177 (1965).

An unlawful search does not become lawful by the discoveries which result from it. State v. Hall, 264 N.C. 559, 142 S.E.2d 177 (1965).

Wife Cannot Consent to Search of Home for Husband's Possessions. — The wife has no authority to consent to a search of the home in regard to the possessions of the husband, and therefore, stolen property recovered from the home while the husband was lodged in jail is incompetent in evidence against him. State v. Hall, 264 N.C. 559, 142 S.E.2d 177 (1965).

Confession after Confrontation with Articles Obtained by Illegal Search.—Where a confession is obtained from defendant after confronting him with stolen property recovered from his home in an unlawful search without a warrant, the court must find whether such confession was actually free and voluntary or whether it was triggered by the use of the articles obtained by the illegal search. State v. Hall, 264 N.C. 559, 142 S.E.2d 177 (1965).

Production of Search Warrant.—Where a search is made under conditions requiring the issuance of a search warrant, and it is attempted, over objection, to justify the search and seizure by the possession of a valid search warrant in the hands of the searchers, the State must produce the search warrant, or, if it has been lost, the State must prove such fact and then introduce evidence to show its contents and regularity on its face, unless the production of the warrant is waived by the accused. State v. McMilliam, 243 N. C. 771, 92 S. E. (2d) 202 (1956).

Quoted in State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959); State v. Myers, 266 N.C. 581, 146 S.E.2d 674 (1966).

Cited in Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 16. Imprisonment for debt.

Any judgment rendered for nonperformance is a debt and can only be enforced by a levy on and sale of defendant's property. He cannot be imprisoned. Wilson v. Wilson, 261 N.C. 40, 134 S.E.2d 240 (1964).

No Imprisonment Except, etc.—

This constitutional provision against imprisonment for debt has been held to apply to debt in the strict sense of an obligation arising out of contract, and hence would not apply to contracts involving fraud, including fraud in contracting the debt or incurring the obligation. Nunn v. Smith, 270 N.C. 374, 154 S.E.2d 497 (1967).

Imprisonment for failure to pay, etc.—

A willful failure of a husband to comply with the court's order to pay to his wife an amount for support is a contempt, and can be punished as such by imprisonment and is not within the constitutional inhibition against imprisonment for debt. Wilson v. Wilson, 261 N.C. 40, 134 S.E.2d 240 (1964).

§ 17. No person taken, etc., but by law of land.

Editor's Note.—For note on right of confrontation at presentence investigation, see 41 N. C. Law Rev. 260.

For comment on the cul-de-sac doctrine, see 44 N.C.L. Rev. 850 (1966).

For case law survey as to eminent domain, see 44 N.C.L. Rev. 941, 1003 (1966).

What Constitutes "Law of the Land."—

In accord with 3rd paragraph in original. See Sale v. State Highway & Public Works Comm., 242 N. C. 612, 89 S. E. (2d) 290 (1955); State v. Perry, 248 N. C. 334, 103 S. E. (2d) 404 (1958); ET & WNC Transportation Co. v. Currie, 248 N. C. 560, 104 S. E. (2d) 403 (1958); State v. Parrish, 254 N. C. 301, 118 S. E. (2d) 786 (1961); State v. Hales, 256 N. C. 27, 122 S. E. (2d) 768 (1961); G I Surplus Store, Inc. v. Hunter, 257 N. C. 206, 125 S. E. (2d) 764 (1962); Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963).

"Due process" has a dual significance, as it pertains to procedure and substantive law. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

In substantive law, due process may be characterized as a standard of reasonableness, and as such it is a limitation upon the exercise of the police power. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Due process of law secures rights to a defendant. State v. Patton, 260 N.C. 359, 132 S.E.2d 891 (1963).

But it does not preclude the rights of public justice. State v. Patton, 260 N.C. 359, 132 S.E.2d 891 (1963).

Protection against Discriminatory Actions of Officials.—The provisions of the "law of the land" clause of the Constitution of North Carolina and the Fourteenth Amendment to the Constitution of the United States afford protection against discriminatory actions of officials in administering the law. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

Rights of Litigant in Judicial Proceeding.—The law of the land clause embodied in this section guarantees to the litigant in every kind of judicial proceeding the right to an adequate and fair hearing before he can be deprived of his claim or defense by judicial decree. And where the claim or defense turns upon a factual adjudication, the constitutional right of the litigant to an adequate and fair hearing requires that he be apprised of all the evidence received by the court and given an opportunity to test, explain, or rebut it. In re Custody of Gupton, 238 N. C. 303, 77 S. E. (2d) 716 (1953).

Notice and Opportunity to Be Heard Required.—

In accord with 2nd paragraph in original. See State ex rel. Bowman v. Malloy, 264 N.C. 396, 141 S.E.2d 796 (1965).

Due process of law implies the right and opportunity to be heard and to prepare for hearing. In re Wilson, 257 N. C. 593, 126 S. E. (2d) 489 (1962).

As to procedure, due process means notice and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a competent and impartial tribunal having jurisdiction of the cause. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Due process of law requires that no man shall be condemned in his person or property without due notice and an opportunity of being heard in his defense. State v. Covington, 258 N. C. 495, 128 S. E. (2d) 822 (1963).

"The law of the land" and "due process of law" provisions of the State and federal Constitutions require notice and an opportunity to be heard before a citizen may be deprived of his property. McMillan v. Robeson County, 262 N.C. 413, 137 S.E.2d 105 (1964); City of Randleman v. Hinshaw, 267 N.C. 136, 147 S.E.2d 902 (1966).

No valid judgment can be entered disposing of one's property unless he has been given notice of the action seeking to accomplish that purpose and has been afforded an opportunity to assert his defense. Sutton v. Davenport, 258 N. C. 27, 128 S. E. (2d) 16 (1962).

Notice to a party whose rights are to be affected by judicial proceedings in a North Carolina court is an essential element of the law of the land under this section. The notice required by this constitutional provision in such proceedings is the notice inherent in the original process whereby the court acquires original jurisdiction, and not notice of the time when the jurisdiction vested in the court by the service of the original process will be exercised. Collins v. North Carolina State Highway & Public Works Comm., 237 N. C. 277, 74 S. E. (2d) 709 (1953).

To give § 1-108 an interpretation contrary to its express language, binding on one not named in an order of publication, would render it void as violative of this section. Sutton v. Davenport, 258 N. C. 27, 128 S. E. (2d) 16 (1962).

In Farmer v. Ferris, 260 N.C. 619, 133 S.E.2d 492 (1963), it was held that a foreign corporation selling amusement park devices had sufficient minimum contacts with North Carolina and that there had been a reasonable method of notification to it, so that suit in personam against it and maintenance of cross action in personam against it in North Carolina court were not inhibited by this section.

It is a principle never to be lost sight of, that no person should be deprived of his property or rights without notice and an opportunity of defending them. This right is guaranteed by the Constitution of North Carolina. Hence, it is that no court will give judgment against any person unless such person have an opportunity of showing cause against it. A judgment entered up otherwise would be a mere nullity. City of Randleman v. Hinshaw, 267 N.C. 136, 147 S.E.2d 902 (1966).

The due process clause is not violated by failure to give the owner of property an opportunity to be heard as to the necessity and extent of appropriating his property to public use; but it is essential to due process that the mode of determining the compensation to be paid for the appropriation be such as to afford the owner an opportunity to be heard. City of Randleman v. Hinshaw, 269 N.C. 136, 147 S.E.2d 902 (1966).

Hearing with Respect to Telephone Rate Increase Required. — The Utilities Commission must determine a petition for an increase in telephone rates on the basis of the facts existing at the time such increase is effective, and if a subsequent change in conditions warrants a new rate, such new rate must relate to the date of change and the parties must be accorded an opportunity to be heard with respect to the effect, if any, such change had on the rate structure, and a denial of such opportunity would be a deprivation of due process. State ex rel. North Carolina Util. Comm'n v. Western Carolina Tel. Co., 260 N.C. 369, 132 S.E.2d 873 (1963).

Trial Must Precede Judgment.—An order for the commitment of a person to an insane hospital is essentially a judgment by which he is deprived of his liberty, and it is a cardinal principle of English jurisprudence that before any judgment can be pronounced against a person there must have been a trial of the issue upon which the judgment is given. In re Wilson, 257 N. C. 593, 126 S. E. (2d) 489 (1962).

Double Jeopardy.—

In accord with original. See State v. Crocker, 239 N. C. 446, 80 S. E. (2d) 243 (1954); State v. Birckhead, 256 N. C. 494, 124 S. E. (2d) 838 (1962).

It is a fundamental and sacred principle of the common law, deeply imbedded in our criminal jurisprudence, that no person can be twice put in jeopardy of life or limb for the same offense. While the principle is not stated in express terms in the North Carolina Constitution, it is regarded as an integral part of the "law of the land" within the meaning of this section. State v. Crocker, 239 N. C. 446, 80 S. E. (2d) 243 (1954).

Where the conviction by a court without jurisdiction to hear and determine the guilt or innocence of defendants was a nullity and the sentence imposed was void, defendants could thereafter be tried when properly charged in a court having jurisdiction. It is manifest that there is in this no double jeopardy. State v. Cooke, 248 N. C. 485, 103 S. E. (2d) 846 (1958).

Right to Counsel.—See note to Art. I, § 11.

Right of Cross-Examination.—

The "law of the land" guaranteed by this section, synonymous with due process of law, guarantees to one charged with contempt of court by an asserted willful violation of a restraining order a right, when he denies the asserted violation, to confront and cross-examine witnesses by whose testimony the asserted violation is to be established. Harriet Cotton Mills v. Local Union No. 578, 251 N. C. 218, 111 S. E. (2d) 457 (1959).

No Right to Inspect Files of State Bureau of Investigation.—Where there is no contention that anything in the files of the State Bureau of Investigation was admitted in evidence and the record shows that no member of the Bureau testified during the trial, defendants' contention that they were entitled to an inspection of the files of the Bureau in regard to its investigation of the case is untenable and denial of their petition for such inspection does not violate any of their rights under this section of the Constitution of North Carolina, or under the Fifth, Sixth, Seventh, and Fourteenth Amendments to the federal Constitution. State v. Goldberg, 261 N.C. 181, 134 S.E.2d 334 (1964).

Findings in a proceeding under the Post Conviction Hearing Act, disclosing that petitioners, although jointly tried, were not allowed to communicate with one another prior to trial, and that their attempts to contact witnesses and friends were unsuccessful, did not support the lower court's conclusion of law that petitioners had not been denied any rights guaranteed to them by Art. I, §§ 11 and 17, of the State Constitution and the 14th Amendment to the Constitution of the United States. State v. Wheeler, 249 N. C. 187, 105 S. E. (2d) 615 (1958).

Classification for Tax Purposes.—

The North Carolina law imposes the sales tax on all retailers, as a class, and applies it alike in its exactions and exemptions to all persons belonging to the prescribed class. Piedmont Canteen Service, Inc. v. Johnson, 256 N. C. 155, 123 S. E. (2d) 582 (1962).

Perfect equality in the collection of the tax by retailers from consumers is, as a practical matter, impossible as between almost any two or more retailers by reason of the differences in types of merchandise sold and selling methods. Piedmont Canteen Service, Inc. v. Johnson, 256 N. C. 155, 123 S. E. (2d) 582 (1962).

Exclusion of Negroes from Grand Jury.—

The indictment of a negro defendant by a grand jury in a State court from which members of his race have been systematically excluded solely because of their race is a denial of his right to the "law of the land," protected by this section. State v. Perry, 248 N. C. 334, 103 S. E. (2d) 404 (1958); State v. Covington, 258 N. C. 495, 128 S. E. (2d) 822 (1963); State v. Arnold, 258 N. C. 563, 129 S. E. (2d) 229 (1963).

The indictment of a negro defendant by a grand jury in a state court from which members of his race have been intentionally excluded solely because of their race is not good, for the reason that as to such negro defendant it is not a legal grand jury. State v. Covington, 258 N. C. 495, 128 S. E. (2d) 822 (1963).

A trial court commits reversible error in refusing to grant defendant sufficient time to offer evidence in support of his motion to quash indictments on the ground that members of his race, by reason of their race, were systematically excluded from serving on the grand jury that returned the indictments as true bills. State v. Inman, 260 N.C. 311, 132 S.E.2d 613 (1963).

Whether the defendant can establish alleged racial discrimination or not in the drawing and selection of the grand jury, due process of law demands that he have his day in court on this matter, and such day he does not have, unless he has a reasonable opportunity and time to investigate and produce his evidence, if he has any. State v. Covington, 258 N. C. 495, 128 S. E. (2d) 822 (1963); State v. Inman, 260 N.C. 311, 132 S.E.2d 613 (1963).

Whether a defendant has been given by the court a reasonable time and opportunity to investigate and produce evidence, if he can, of racial discrimination in the drawing and selection of a grand jury panel must be determined from the facts in each particular case. State v. Covington, 258 N. C. 495, 128 S. E. (2d) 822 (1963).

The burden of proving discriminatory jury practices is upon defendant, but this does not relieve the prosecuting attorney of the duty of going forward with the evidence when the defendant has made out a prima facie case. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

When, at a hearing upon a motion to quash the bill of indictment, there is a showing that a substantial percentage of the population of the county from which the grand jury that returned the bill was drawn is of the negro race and that no negroes, or only a token number, have served on the grand juries of the county over a long period of time, such showing makes out a prima facie case of systematic exclusion of negroes from service on the grand jury because of race. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

To overcome a prima facie case of systematic discrimination because of race, there must be a showing by competent evidence that the institution and management of the jury system of the county is not in fact discriminatory. And if there is contradictory and conflicting evidence, the trial judge must make findings as to all material facts. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

The evidence was sufficient to support a finding that there was no racial discrimination in the selection of the grand jury. State v. Perry, 250 N. C. 119, 108 S. E. (2d) 447 (1959).

More than 60 years ago the Supreme Court of North Carolina stated clearly that N.C. Const., Art. I, § 13 requires the sustaining of a motion to quash an indictment of a negro who proves that the members of his race have been systematically excluded from the juries of the county in which he has been indicted in State v. Peoples, 131 N.C. 784, 42 S.E. 814 (1902). Since that time it has never been doubted by the courts of this State that the provisions of the N.C. Const., Art. I, § 13 and this section are to be so interpreted and that such systematic exclusion from the grand jury of persons, otherwise qualified, because of their race, requires, upon motion duly made, the quashing of an indictment returned against a member of that race by such grand jury irrespective of the fact that all members of the grand jury were, themselves, qualified jurors. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Representation on juries in proportion to racial population is not required. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

But Indictment and Trial Must Be by Juries Selected without Discrimination. — A citizen has no right to insist that he be indicted or tried by juries composed of persons of his race, nor to have a person of his race on the juries which indict and try him. But he has the right to be indicted and tried by juries from which persons of his race have not been systematically excluded—juries selected from all qualified persons regardless of race. State v. Wilson, 262 N.C. 419, 137 S.E.2d 109 (1964).

When Exclusion of Class of Persons from Jury Service Will Not Invalidate Indictment.—Even the complete exclusion, by State law, of a group or class of persons from eligibility for jury service will not make invalid an indictment by a grand jury, selected in accordance with such State law, so long as there is no reasonable basis for the conclusion that the ineligible group or class would bring to the deliberations of the jury a point of view not otherwise represented upon it, at least where the defendant is not a member of the excluded group. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Exemption from Jury Duty.—So far as the requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution are concerned, it is sufficient, in order to sustain a State statutory exemption from jury duty, that there is reasonable ground for the legislature to believe that the public interest and general welfare will be better served by the grant of the exemption than by subjecting the members of the exempted class to the duty imposed upon other members of the community. And it is so held with reference to the provisions of this section. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Vested Right in Dedicated Property.— The action of the governing body of a town in abandoning and permitting part of a road in a subdivision to be closed for the private use and benefit of the defendant property owners in a subdivision was in violation of rights of other purchasers in the subdivision under this section and under the 14th Amendment to the United States Constitution. Blowing Rock v. Gregorie, 243 N. C. 364, 90 S. E. (2d) 898 (1956).

Deed Conveying Land for Park on Special Limitation That It Be Used by White Race Only.— Where, by virtue of a limitation in a deed conveying land for use as a city park, use of the park by negroes would cause an automatic reversion of the land to the grantor, his heirs and assigns upon payment of a stipulated sum, such result would not violate the Fourteenth Amendment to the federal Constitution in regard to negroes seeking to use the park, but on the contrary a construction vitiating the possibility of reverter would deprive the grantor of his property without adequate compensation and due process, in violation of the federal Constitution and this section. Charlotte Park & Recreation Comm. v. Barringer, 242 N. C. 311, 88 S. E. (2d) 114 (1955).

Just Compensation Required if Private Property Is Taken.—

The principle that when private property is taken for public use just compensation must be paid is deeply imbedded in constitutional law, and while the principle is not stated in express terms in the State Constitution, it is regarded as an integral part of the "law of the land." Eller v. Board of Education, 242 N. C. 584, 89 S. E. (2d) 144 (1955); Sale v. State Highway & Public Works Comm., 242 N. C. 612, 89 S. E. (2d) 290 (1955); Morganton v. Hutton & Bourbonnais Co., 251 N. C. 531, 112 S. E. (2d) 111 (1960).

North Carolina does not have an express constitutional provision against the taking of private property for public use without the payment of just compensation. However, North Carolina recognizes this fundamental right to just compensation as so grounded in natural law and justice that it is part of the fundamental law of the State, and imposes upon a governmental agency taking private property for public use a correlative duty to make just compensation to the owner of the property taken. This principle is considered in North Carolina as an integral part of "the law of the land" within the meaning of this section. DeBruhl v. State Highway & Public Works Comm., 247 N. C. 671, 102 S. E. (2d) 229 (1958).

Petitioners, whose property had been taken for public use by an agency of the State government, and who had been physically dispossessed and ejected therefrom by a court order, were entitled to have the jury award them as compensation not only the fair market value of their property as of the date of the taking, but also some additional sum for the substantial delay in the payment of the fair market value of their property so taken, as an element of the just compensation guaranteed by this section. DeBruhl v. State Highway & Public Works Comm., 247 N. C. 671, 102 S. E. (2d) 229 (1958).

The power of eminent domain, that is, the right to take private property for public use, is inherent in sovereignty. This section requires payment of fair compensation for the property so taken. This is the only limitation imposed on sovereignty with respect to taking. Morganton v. Hutton & Bourbonnais Co., 251 N. C. 531, 112 S. E. (2d) 111 (1960).

The power of eminent domain is one of the attributes of a sovereign state. Redevelopment Comm. of Greensboro v. Hagins, 258 N. C. 220, 128 S. E. (2d) 391 (1962).

The right to take private property for public use exists independently of constitutional provisions. In fact, such provisions are limitations on the State's power to exercise the right. Redevelopment Comm. of Greensboro v. Hagins, 258 N. C. 220, 128 S. E. (2d) 391 (1962).

The constitutional prohibitions against the taking of private property without due process of law limit the powers of the executive and judicial branches as well as the legislative branch. In re Trusteeship of Kenan, 261 N.C. 1, 134 S.E.2d 85 (1964).

The constitutional prohibitions against the taking of private property except by due process of law preclude the legislature from sanctioning the taking of a person's property except in satisfaction of a legal obligation or for a public purpose upon the payment of just compensation. In re Trusteeship of Kenan, 261 N.C. 1, 134 S.E.2d 85 (1964).

A constitutional prohibition against taking or damaging private property for public use without just compensation is self-executing, and neither requires any law for its enforcement nor is susceptible of impairment by legislation. Midgett v. North

Carolina State Highway Comm'n, 260 N.C. 241, 132 S.E.2d 599 (1963).

The prohibition against the taking of private property for a public use without just compensation is self-executing, and when no statute provides procedure to recover compensation under the circumstances of the taking, the owner may maintain an action to obtain just compensation therefor. Guilford Realty & Ins. Co. v. Blythe Bros. Co., 260 N. C. 69, 131 S. E. (2d) 900 (1963).

This section guarantees payment of compensation by sovereign authority. Braswell v. State Highway & Public Works Comm., 250 N. C. 508, 108 S. E. (2d) 912 (1959); Midgett v. North Carolina State Highway Comm'n, 260 N.C. 241, 132 S.E.2d 599 (1963).

In the exercise of the power of eminent domain, private property can be taken only for a public purpose or, more properly speaking, a public use upon the payment of just compensation. This principle is so grounded in natural equity that it has never been denied to be an essential part of "the law of the land" within the meaning of this section. Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595 114 S. E. (2d) 688 (1960).

When a sanitary district in the exercise of its power of eminent domain, took easements and rights of way for sewer lines over the lands of defendants, it became obligated by the North Carolina Constitution and by § 130-130, under which it acted, to pay to defendants just compensation for the damage done. North Asheboro-Central Falls Sanitary Dist. v. Canoy, 252 N. C. 749, 114 S. E. (2d) 577 (1960).

The requirement that just compensation be paid for land condemned for a public use is guaranteed both by the federal Constitution (Fourteenth Amendment) and this section. City of Raleigh v. Mercer, 271 N.C. 114, 155 S.E.2d 551 (1967).

The exercise of the power to condemn land for public use is always subject to the principle that there must be definite and adequate provisions made for reasonable compensation to the owner. City of Raleigh v. Mercer, 271 N.C. 114, 155 S.E.2d 551 (1967).

For article on eminent domain in North Carolina, see 35 N C. Law Rev 296.

Limitation on Taking Property Protects Lunatic. — The constitutional limitation against taking of property of a citizen affords the same protection to a lunatic that it affords to a person of sound mind. In re Trusteeship of Kenan, 261 N.C. 1, 134 S.E.2d 85 (1964).

It Applies to Interest and Principal. — The constitutional provision that no person shall be deprived of his property except by the law of the land applies to interest or earnings on funds in the same manner as it applies to principal. McMillan v. Robeson County, 262 N.C. 413, 137 S.E.2d 105 (1964).

Property May Not Be Taken for Unlawful Purpose.—The land of a person may not be taken, without his consent, when the purpose, which would otherwise authorize the taking, cannot be accomplished as a matter of law. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

For a county to take land from the owners without their consent for a use incidental to a proposed airport, which airport the county may not lawfully construct and operate, would be a vain and utterly useless deprivation of the landowners' rights in their property and such an arbitrary, capricious taking of their land would be a violation of this section. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

Impairment in Use of Land as a Taking.—Where sewage disposal device operated by school board was constructed and operated so as to cause sewage to flow or seep onto plaintiffs' land, and by reason of such continuous pollution and the noxious odors emanating continuously therefrom, plaintiffs' spring was rendered unfit for use and their dwelling was rendered unfit for habitation, such constituted a taking by the school board to the extent of the impairment in value of plaintiffs' land caused thereby. Eller v. Board of Education, 242 N. C. 584, 89 S. E. (2d) 144 (1955).

A nuisance maintained by a governmental agency impairing private property is a taking in the constitutional sense. Midgett v. North Carolina State Highway Comm'n, 260 N.C. 241, 132 S.E.2d 599 (1963).

The right to have water flow in the direction provided by nature is a property right, and if such right of a landowner is materially interfered with so that his land is flooded by the manner in which a highway is constructed, it is a nuisance and a taking of property for public use for which compensation must be paid. Midgett v. North Carolina State Highway Comm'n, 260 N.C. 241, 132 S.E.2d 599 (1963).

Constructing Barricade across Street Is Not Taking. — Where the State has authorized the construction of a barricade across a street, thereby closing it to vehicular traffic in one direction, the owner of land abutting the street on the cul-de-sac thus created has not been deprived of his property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States or this section, though the value of his property has been impaired and the State has not compensated him for such loss of value. Wofford v. North Carolina State Highway Comm'n, 263 N.C. 677, 140 S.E.2d 376 (1965).

Substituting Service Road for Direct Access Is Damnum absque Injuria. — Since the substitution of a service road for direct access theretofore enjoyed by an abutting property owner is an exercise of the police power, any diminution in the value of petitioners' property is damnum absque injuria. Moses v. State Highway Comm'n, 261 N.C. 316, 134 S.E.2d 664 (1964).

Highway Commission Cannot Decide It Does Not Want Property Taken.—To permit the Highway Commission to decide, subsequent to a taking, that it did not want the property it had taken, and for that reason refuse to pay, would do violence to the provisions of this section. North Carolina State Highway Comm'n v. York Industrial Center, Inc., 263 N.C. 230, 139 S.E.2d 253 (1964).

The General Assembly may not diminish a vested interest by artificially increasing the class in which the estate has vested. Wachovia Bank & Trust Co. v. Andrews, 264 N.C. 531, 142 S.E.2d 182 (1965).

Limitation on Use of Property Taken Pursuant to § 130-130.—A sanitary district, acting under § 130-130 to acquire easements to construct and maintain sanitary sewer lines, can use the property taken for only the limited purpose described in the petition, and any other use by it or anyone else would require additional compensation. North Asheboro-Central Falls Sanitary Dist. v. Canoy, 252 N. C. 749, 114 S. E. (2d) 577 (1960).

Opportunity to Be Heard with Respect to Tax Liability Required.—The constitutional provisions guaranteeing due process under this section and the 14th Amendment to the federal Constitution are mandatory and require an opportunity to be heard with respect to asserted tax liability. Kirkpatrick v. Currie, 250 N. C. 213, 108 S. E. (2d) 209 (1959).

Creation of Taxing District without Hearing. — Article 13C, chapter 131, as amended, providing for the creation of a taxing district without providing for a hearing on the benefits to be conferred upon the property therein, does not violate this section. Williamson v. Snow, 239 N. C. 493, 80 S. E. (2d) 262 (1954).

The delegation of authority to counties to construct water and sewer systems, contained in § 153-9, subsection 46, does not violate this section. Ramsey v. Board of Comm'rs for Cleveland County, 246 N. C. 647, 100 S. E. (2d) 55 (1957).

Appropriation of Private Water Lines by City.—When a city appropriated plaintiffs' property to its own use by exercising control and dominion over water lines laid by plaintiffs in territory subsequently included in the extended city limits this appropriation imposed on the city a duty to pay the fair value of the property taken. Styers v. Gastonia, 252 N. C. 572, 114 S. E. (2d) 348 (1960).

Construction of Water and Sewerage Facilities by Municipality Outside Its Corporate Limits.—The expenditure of funds for the construction of water and sewerage facilities by a municipality, outside its corporate limits, if done pursuant to legislative authority, is for a public purpose and is not violative of this section. Thomasson v. Smith, 249 N. C. 84, 105 S. E. (2d) 416 (1958).

Municipal Tax to Finance Water and Sewer Facilities in Area to Be Annexed.—A municipal corporation may issue bonds and levy taxes to pay principal and interest thereon and use the proceeds to finance the extension of water and sewer facilities into an area to be annexed at a fixed future date after the residents of the area to be annexed have approved the annexation and the citizens of the municipality have approved both the annexation and the issuance of bonds. Such bonds are for a public purpose, and the tax imposed within the municipality prior to annexation does not deprive the taxpayers of the city of property without due process of law. Thomasson v. Smith, 249 N. C. 84, 105 S. E. (2d) 416 (1958).

Local bond issue of town of Lake Lure held not to violate this section. Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Requiring Railroad to Pay Entire Expense of Rebuilding Trestle.—A municipal ordinance requiring a railway company to pay the entire expense of rebuilding an overpass trestle to accommodate the opening of a new street was, under the facts, an unreasonable exercise of the police power, amounting to an invasion of the company's property rights in violation of the constitutional guarantee provided by this section. Winston-Salem v. Southern Ry. Co., 248 N. C. 637, 105 S. E. (2d) 37 (1958).

An ordinance prohibiting certain activities on Sunday, passed pursuant to § 160-

200, (7) and (8), was not in contravention of this section. State v. McGee, 237 N. C. 633, 75 S. E. (2d) 783 (1953); Charles Stores Co. v. Tucker, 263 N.C. 710, 140 S.E.2d 370 (1965).

Ordinances prohibiting the exercise of all occupations generally on Sunday "except those of necessity and charity" are constitutional and exceptions are valid if they are reasonable and do not discriminate within a class between competitors similarly situated. Charles Stores Co. v. Tucker, 263 N.C. 710, 140 S.E.2d 370 (1965).

An ordinance passed pursuant to § 160-52 prohibiting generally the operation of all businesses within a municipality on Sunday, but excepting certain businesses, was held not to violate this section. Clark's Charlotte, Inc. v. Hunter, 261 N.C. 222, 134 S.E.2d 364 (1964).

Requiring Sunday Closing of Night Clubs near Schools and Churches.—The classification of night clubs into (1) those "located within 300 yards of the property on which is located any public school or church building," and (2) all others, for the purpose of closing the former from 2:00 a.m. until 12:00 midnight on Sunday, is both unreasonable and discriminatory. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Vested Liability.—Where legal liability has been created, the legislature cannot take it away without violating this section. Lester Brothers, Inc. v. Pope Realty & Ins. Co., 250 N. C. 565, 109 S. E. (2d) 263 (1959).

Freedom to contract, etc.—

Freedom of contract, unless contrary to public policy or prohibited by statute, is a fundamental right included in our constitutional guaranties. Muncie v. Travelers Ins. Co., 253 N. C. 74, 116 S. E. (2d) 474 (1960).

Valid Insurance Policy Entitled to Enforcement as Written.—Where a provision in an insurance policy is a valid one, the parties are entitled to have it enforced as written, and the Supreme Court cannot ignore any part of the contract. Muncie v. Travelers Ins. Co., 253 N. C. 74, 116 S. E. (2d) 474 (1960).

Due Process Is Not Denied by Requiring Insurance Company to Issue Assigned Risk Liability Policy.—The fact that an insurance company is required to issue assigned risk motor vehicle liability policies as a condition of transacting liability insurance business in North Carolina does not constitute a denial of due process in violation of State and federal constitutional provisions. Jones v. State Farm Mut. Auto. Ins. Co., 270 N.C. 454, 155 S.E.2d 118 (1967).

Nor by Making Insurer Absolutely Liable on Assigned Risk Policy.—Subsection (f) (1) of § 20-279.21 when applied to an assigned risk insurance policy issued in compliance with the plan set forth in § 20-279.34 and regulations pursuant thereto, does not deprive an insurance company of its property without due process of law and otherwise than by the law of the land in contravention of the Fourteenth Amendment to the Constitution of the United States, this section, and § 1 of this article. Jones v. State Farm Mut. Auto. Ins. Co., 270 N.C. 454, 155 S.E.2d 118 (1967).

Nor by Requiring Insurer to Pay Default Judgment Obtained Without Notice.—An insurance company who has been required to issue an assigned risk policy in accordance with § 20-279.34, is not denied due process in violation of the Fourteenth Amendment of the federal Constitution or in violation of N.C. Const., Art. I, § 1 and this section by being required to pay an injured third party damages established by a default judgment obtained against its insured, even though insurer had no notice of the accident or the action against its insured, nothing else appearing and there being no question of collusion between insured and the injured third party. Jones v. State Farm Mut. Auto. Ins. Co., 270 N.C. 454, 155 S.E.2d 118 (1967).

Former § 115-253 Unconstitutional.—The provisions of former § 115-253 as to the approval by the State Board of Education of the instructional and sales methods and solicitors of nonresident business, trade or correspondence schools were clearly an unwarranted delegation of legislative power, and a conviction and punishment under the criminal provisions thereof violated the "law of the land" under this section. State v. Williams, 253 N. C. 337 117 S. E. (2d) 444 (1960), decided prior to the 1961 amendment of article 31 of chapter 115.

Section 14-72.1 violates neither this section nor the due process clause of the federal Constitution, by reason of vagueness and uncertainty, and of not informing a person of ordinary intelligence with reasonable precision of the acts it prohibits. State v. Hales, 256 N. C. 27, 122 S. E. (2d) 768 (1961).

Section 14-353 Is Constitutional.—The first two parts of § 14-353 are not repugnant to the "due process of law" clause of the Fourteenth Amendment to the United States Constitution, and to "the law of the land" clause of this section, and are a reasonable and proper exercise of the police power of the State. State v. Brewer, 258 N. C. 533, 129 S. E. (2d) 262 (1963).

Section 14-134 is not too indefinite and vague to be enforceable under this section and the due process clause of the fourteenth amendment. State v. Avent, 253 N. C. 580, 118 S. E. (2d) 47 (1961).

Trespassers Not Protected.—The guarantee of this section against imprisonment except by the law of the land was not intended to protect trespassers from prosecution or to prohibit a private property owner from selecting his guests or customers. State v. Fox, 254 N. C. 97. 118 S. E. (2d) 58 (1961).

Discrimination by Owner of Private Property.—The enforcement of the right of the owner or possessor of private property to discriminate on the basis of race as to those he will permit to enter or remain on the premises does not violate any rights of the individual guaranteed under this section. State v. Avent, 253 N. C. 580, 118 S. E. (2d) 47 (1961).

Judicial Process Held Not Violative of Section.—The fact that the State provides a system of courts for the enforcement of legal rights against trespassers upon private property in violation of §§ 14-126 and 14-134 and the acts of its judicial officers in their official capacities cannot fairly be said to be State action enforcing racial segregation in violation of the Fourteenth Amendment to the federal Constitution, and such judicial process violates no rights of the defendants guaranteed to them by this section. State v. Avent, 253 N. C. 580, 118 S. E. (2d) 47 (1961).

Imposing Liability on Parents for Child's Willful Tort.—The enactment of § 1-538.1, imposing liability on parents for malicious destruction of school property by child, is within the police power of the State of North Carolina, and that it is not violative of the provisions of this section of the State Constitution, or of the provisions of the Fifth Amendment to the federal Constitution. General Ins. Co. of America v. Faulkner, 259 N. C. 317, 130 S. E. (2d) 645 (1963).

Default Judgment Restraining Pastor from Appearing at Church. — See same catchline under § 1 of this article.

Free or reduced telephone service to municipalities is a tax prohibited by law, and is discriminatory both as between towns which are similarly situated and as between those towns and individual rate payers living in towns or in the country. Hence, § 160-281.2 is unconstitutional (1) because it offends the due process provisions of both State and federal Constitutions, (2) because it is not a uniform tax, (3) because it interferes with vested rights, and (4) because it is an attempt to surrender the police power of the State. State v. Wilson, 252 N. C. 640, 114 S. E. (2d) 786 (1960).

Regulation of Use, Manufacture or Sale of Beer.—Under its inherent police power, the State has the power to prohibit, regulate or restrain the use, manufacture or sale of beer within its bounds. Boyd v. Allen, 246 N. C. 150, 97 S. E. (2d) 864 (1957).

A retail beer permit grants the holder a special privilege limited by the statutes under which it is granted, and such permit is not a contract, or property right, or vested right in any legal or constitutional sense. Boyd v. Allen, 246 N. C. 150, 97 S. E. (2d) 864 (1957), upholding legislation providing for revocation or suspension of a retail beer permit for violation of G. S. 18-78.1. See G. S. § 18-78 and the annotation thereto.

Right to Earn Livelihood as Restaurateur. — The constitutional right to earn a livelihood by engaging in the restaurant business is not infringed by either the Turlington Act or the ABC Act. D & W, Inc. v. City of Charlotte, 268 N.C. 577, 151 S.E.2d 241 (1966).

Regulation of Junk Yards.—See note to § 14-399.

Statute Providing for Tile Contractor's License.—G. S. chapter 87, article 3, requiring a license for any person, firm or corporation undertaking to lay, set or install ceramic tile, marble or terrazzo floors or walls, violates this section. Roller v. Allen, 245 N. C. 516, 96 S. E. (2d) 851 (1957).

A statute prohibiting a city from charging residents of adjacent sanitary districts for water at a higher rate than is charged residents of the city does not violate this section. Candler v. Asheville, 247 N. C. 398, 101 S. E. (2d) 470 (1958), holding ch. 399, Public-Local Laws 1933, valid.

The provisions of § 116-149 (b) defining those eligible for scholarships as children of veterans resident of North Carolina at the time of induction or a veteran's child who was born in North Carolina and has lived here continuously since birth, are not unconstitutional as discriminating against children of disabled veterans who have moved their residence to this State after birth of the children. Ramsey v. North Carolina Veterans Comm'n, 261 N.C. 645, 135 S.E.2d 659 (1964).

Statute Providing for Service of Process on Foreign Corporation Not Doing Business in State.—See note to G. S. 55-145.

Milk Commission Act and Order Pursuant Thereto.—See note to § 106-266.8.

When Motion for Continuance, etc.— In accord with original. See State v. Lane, 258 N. C. 349, 128 S. E. (2d) 389 (1962).

Consequences of First Trial Are Wiped Out When Defendant Obtains New Trial. —Defendant in seeking and obtaining a new trial must be deemed to have consented to a wiping out of all the consequences of the first trial. This is not a denial of defendant's constitutional rights not to be deprived of life, liberty and property without due process of law or of equal protection of the laws under the Fourteenth Amendment to the United States Constitution and this section. State v. White, 262 N.C. 52, 136 S.E.2d 205 (1964).

And Plea of Former Jeopardy Will Avail Him Nothing.—When, in either a post-conviction hearing or a habeas corpus proceeding, at the prisoner's request, the court vacates a judgment against him and directs a new trial, the prisoner waives his constitutional protection against double jeopardy, and he may be tried anew on the same indictment for the same offense. In such case, a plea of former jeopardy will avail him nothing. State v. Case, 268 N.C. 330, 150 S.E.2d 509 (1966).

But it is only where the accused himself brings about destruction of the first verdict that he can be retried for the same offense. Where the defendant seasonably abandons his attempt to destroy the verdict which has pronounced him guilty of murder in the second degree, a new trial cannot lawfully be forced upon him after such abandonment. State v. Case, 268 N.C. 330, 150 S.E.2d 509 (1966).

An accused will be protected from the subsequent prosecution for the same offense where a valid judgment is set aside by the court on its own motion or upon application of the prosecuting attorney — unless, of course, the accused acquiesces in the action. State v. Case, 268 N.C. 330, 150 S.E.2d 509 (1966).

New Trial Is Not Barred by Death of Defendant's Witness.—To hold that when a defendant in a criminal action by his appeal has secured a new trial, he cannot be prosecuted promptly again, because by the death of a witness who would testify in his favor, if alive, at the time of the retrial, he would in such trial by such death and loss of evidence be denied the right of due process of law under the Fourteenth Amendment to the federal Constitution and to the rights of "the law of the land" provision of this section, would mean that some, if not many, cases could not be tried again. State v. Patton, 260 N.C. 359, 132 S.E.2d 891 (1963).

When a defendant by his appeal obtains a new trial, the law does not require that the State in order to prosecute him again must guarantee that all his witnesses shall be alive and capable of testifying for him at the retrial, for to require that would be for the law to exact of the State impossibilities. State v. Patton, 260 N.C. 359, 132 S.E.2d 891 (1963).

But Defendant Must Be Discharged If State's Essential Witnesses Are Dead. — If a defendant by his appeal secures a new trial, and if at the time of the new trial the State's essential witnesses are dead or incapable of testifying, the State has no other recourse than to discharge the defendant, no matter how guilty he may be. State v. Patton, 260 N.C. 359, 132 S.E.2d 891 (1963).

Plea of Guilty to Offense Which Defendant Not Formally Accused of Committing. —When the court sentenced petitioner, who had been indicted for a violation of § 14-26 (carnal knowledge of female virgins between twelve and sixteen years of age), to imprisonment for a term of not less than twelve nor more than fifteen years upon his plea of guilty to a violation of § 14-22 (assault with intent to commit rape) when there was no formal and sufficient accusation against him for the offense to which he pleaded guilty, it would seem to be without precedent, and the sentence of imprisonment was a nullity, and violates petitioner's rights as guaranteed by this section and by § 1 of the Fourteenth Amendment to the United States Constitution and must be vacated in post-conviction proceedings. McClure v. State, 267 N.C. 212, 148 S.E.2d 15 (1966).

School Authorities Must Act in Good Faith When Reemploying Teachers.— Those connected with school administration including the county boards of education and school principals, must act in good faith and not arbitrarily, capriciously or without just cause or be activated by selfish motives in deciding which teachers to reemploy for a school term. Wall v. Stanly County Bd. of Educ., 259 F. Supp. 238 (M.D.N.C. 1966), rev'd on other grounds, 378 F.2d 275 (4th Cir. 1967).

When Legislature May Grant Special Exemption from Duty Imposed on Citizens Generally.—The limitation of Art. I, § 7, **like that** of this section, does not apply to an exemption from a duty imposed upon citizens generally if the purpose of the exemption is the promotion of the general welfare, as distinguished from the benefit of the individual, and if there is reasonable basis for the legislature to conclude that the granting of the exemption would be in the public interest. State v. Knight, 269 N.C. 100, 152 S.E.2d 179 (1967).

Applied in State v. Cruse, 238 N C. 53, 76 S. E. (2d) 320 (1953); Baker v. Varser, 240 N. C. 260, 82 S. E. (2d) 90 (1954); State v. Hollingsworth, 263 N.C. 158, 139 S.E.2d 235 (1964); Spartan Equip. Co. v. Air Placement Equip. Co., 263 N.C. 549, 140 S.E.2d 3 (1965); Scarborough v. Adams, 264 N.C. 631, 142 S.E.2d 608 (1965); State v. Mallory, 266 N.C. 31, 145 S.E.2d 335 (1965).

Cited in State v. Griffin, 246 N. C. 680, 100 S. E. (2d) 49 (1957); State v. McGraw, 249 N. C. 205, 105 S. E. (2d) 659 (1958); Edwards v. Arnold, 250 N. C. 500, 109 S. E. (2d) 205 (1959); Rhyne v. Mount Holly, 251 N. C. 521 112 S. E. (2d) 40 (1960); State v. Warren, 252 N. C. 690, 114 S. E. (2d) 660 (1960); In re Annexation Ordinances, 253 N. C 637, 117 S. E. (2d) 795 (1961); Great American Ins. Co. v. Gold, 254 N. C. 168, 118 S. E. (2d) 792 (1961); Babson v. Clairol, Inc., 256 N. C. 227, 123 S. E. (2d) 508 (1962); Great American Ins. Co. v. Johnson, 257 N. C. 367, 126 S. E. (2d) 92 (1962); Schloss v. Jamison, 258 N. C. 271, 128 S. E. (2d) 590 (1962); State v. Phillip, 261 N.C. 263, 134 S.E.2d 386 (1964); Schloss v. Jamison, 262 N.C. 108, 136 S.E.2d 691 (1964); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964); State v. Lowry, 263 N.C. 536, 139 S.E.2d 870 (1965); High Point Surplus Co. v. Pleasants, 263 N.C. 587, 139 S.E.2d 892 (1965).

§ 19. Controversies of law respecting property.

In General.—

History teaches that a jury can best settle factual controversies, and for that reason jury trials ought to remain sacred and inviolable. Mangum v. Yow, 263 N.C. 525, 139 S.E.2d 537 (1965).

Right Not Unqualified.—

In accord with 3rd paragraph in original. See Kaperonis v. North Carolina State Highway Comm'n, 260 N.C. 587, 133 S.E.2d 464 (1963); In the Matter of Wallace, 267 N.C. 204, 147 S.E.2d 922 (1966).

Party Charged with Maintaining Nuisance Has Right to Jury Trial.—A party charged with the maintenance of a public nuisance, as defined by § 19-1, has a right to traverse the factual allegations of the complaint. If he does so, he cannot be deprived of his right to a jury trial on the issues raised by the pleadings. State ex rel. Bowman v. Malloy, 264 N.C. 396, 141 S.E.2d 796 (1965).

Eminent Domain Proceeding Is Not Controversy Concerning Property. — A proceeding to assess damages for the taking of land by eminent domain is not a controversy concerning property within the meaning of this section. Kaperonis v. North Carolina State Highway Comm'n, 260 N.C. 587, 133 S.E.2d 464 (1963).

Since Ownership Is Not Issue in Eminent Domain.—This section is a constitutional guaranty of jury trial when the issue determinative of the rights of the litigants is: "Who owns the land, plaintiff or defendant?" This issue does not arise when the State, or its agency, exercises the power of eminent domain. The phrase "eminent domain" by definition admits condemnor did not own, but took or appropriated the property of another for a public purpose. Wescott v. State Highway Comm'n, 262 N.C. 522, 138 S.E.2d 133 (1964).

Statutory Provisions Establishing Conditions Precedent for Jury Trial. — The provisions of chapter 1057, Session Laws of 1951, setting up the procedure for adjudicating small claims in the Superior Court of Forsyth County, to the effect that no jury trial shall be had in an action instituted pursuant thereto, unless a demand is made therefor in the manner set out in the act, and the costs advanced and the prosecution bond filed as required therein, are not unreasonable provisions and do not violate this section. Better Home Furniture Co. v. Baron, 243 N. C. 502, 91 S E. (2d) 236 (1956).

Judgment of Dismissal as Offending Plaintiff's Right to Jury Trial.—Judgment of dismissal of plaintiff's action offends against the plaintiff's constitutional right of jury trial where these factors come into focus: (1) The record discloses no stipulation by which jury trial was waived or consent was given for the court to find facts; (2) the plaintiff's evidence was sufficient to make out a prima facie case in accordance with the allegations of the complaint; (3) the defendant offered no evidence; (4) the plaintiff's evidence does not establish the truth of the defendant's affirmative defense. Ingle v. McCurry, 243 N. C. 65, 89 S. E. (2d) 745 (1955).

Power of Court to Increase Jury Award by Additur.—While it may be suggested that the practice of additur deprives a defendant of his constitutional right to a jury trial, guaranteed by this section, the obvious answer is that the defendant can waive that right, which he does when he consents to pay the additur, since in this State the parties to a civil action have a right to waive a jury trial. Caudle v. Swanson, 248 N. C. 249, 103 S. E. (2d) 357 (1958).

The additur procedure followed in the instant case, with the defendants' consent, by which the jury verdict for the plaintiff was increased by the trial court, in no way infringed upon plaintiff's right to a trial by jury as guaranteed to him by this section. Caudle v. Swanson, 248 N. C. 249, 103 S. E. (2d) 357 (1958).

For note on the power of the court to increase a jury award by additur, see 37 N. C. Law Rev. 169.

Miscellaneous Cases.—

Where there is nothing in the record to indicate that petitioner and respondent have waived their constitutional and statutory right to have the issue of fact joined on the pleadings tried by a jury, and there is no question of reference, the judge had no authority to enter an order affirming the order of the assistant clerk of the superior court, which in effect was a determination by the judge of the issue of fact raised by the pleadings and a finding by him that money deposited in the office of the clerk of the superior court was funds belonging to a decedent and an order that said money be distributed to the administrator c. t. a. of her last will and testament. In the Matter of Wallace, 267 N.C. 204, 147 S.E.2d 922 (1966).

Cited in In re Annexation Ordinances, 253 N. C. 637, 117 S. E. (2d) 795 (1961); Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964); Chalmers v. Womack, 269 N.C. 433, 152 S.E.2d 505 (1967).

§ 20. Freedom of the press.

Editorial Comment.—Editor of a city paper who commented in a sarcastic manner concerning action of city council "with the verbal backing of the mayor" in voting for purchase of a lot by the city at $30 a foot did not abuse privilege granted by this section. Yancey v. Gillespie, 242 N. C. 227, 87 S. E. (2d) 210 (1955).

§ 25. Right of the people to assemble together.

Default Judgment Restraining Pastor from Appearing at Church.—See same catchline under § 1 of this article.

§ 26. Religious liberty.

This Section Protects Freedom to Exercise One's Religion. — The term "rights of conscience" as used in this section, must be construed in relation to the right to worship God according to the dictates of one's own conscience. Consequently, the freedom protected by this provision of the State Constitution is no more extensive than the freedom to exercise one's religion, which is protected by the First Amendment to the Constitution of the United States. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

But It Does Not Protect One's Sense of Ethics.—These constitutional provisions do not provide immunity for every act which one's conscience permits him to do, or even for every act which one's conscience classifies as required by ethics, nor do they shield the defendant from a command by the State that he do an act merely because he believes it morally or ethically wrong. It is the right to exercise one's religion, or lack of it, which is protected, not one's sense of ethics. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

Protection Not Limited to Clergymen and Organized Religious Groups. — The freedoms protected by these constitutional provisions are not limited to clergymen. Indeed, they are not limited to members of an organized religious body and, consequently, are not contingent upon proof that others share the views of the individual who asserts his own constitutional right to the freedom to exercise his religion or "right of conscience." In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

Unorthodox Religious Beliefs Are Protected.—The constitutional provisions extend their protection to the unorthodox, unusual and unreasonable belief as truly as to the belief shared by many. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

But freedom to exercise one's religious beliefs is not absolute. In the Matter of

Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

And use of drugs may be prohibited notwithstanding the user's asserted belief that such use is required by Divine Law. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967), citing State v. Bullard, 267 N.C. 599, 148 S.E.2d 565 (1966).

Religious Freedom Is Impaired by Governmental Compulsion of That Which Religious Belief Forbids.—The free exercise of religion is impaired not only by governmental prohibition of that which one's religious belief demands but also by governmental compulsion of that which one's religious belief forbids. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

And Government May Not Force One to Act Contrary to Religious Belief in Absence of "Compelling State Interest".—The liberty secured by the First Amendment to the United States Constitution and by this section is so basic and fundamental that one may not be compelled by governmental action to do that which is contrary to his religious belief in the absence of a "compelling State interest in the regulation of a subject within the State's constitutional power to regulate." In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

Effective operation of courts of justice is a "compelling State interest." In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

And It Overrides Belief of Witness Who Refuses to Testify for Religious Reasons.—The "compelling interest" of the State in the rendering of a just judgment in accordance with its law overrides the incidental infringement upon the religious belief of a witness that for him to testify is wrong. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

The State has a compelling interest that a person called as a witness should be sworn and should testify in the administration of justice between the State and one charged with a serious offense, and therefore a minister called as a witness in such prosecution may be held in contempt of court upon his refusal to be sworn as a witness, notwithstanding he asserts that his refusal is a matter of religious conscience. In the Matter of Williams, 269 N.C. 68, 152 S.E.2d 317 (1967).

The legal tribunals of the State have no jurisdiction over purely ecclesiastical questions and controversies, for there is a constitutional guarantee of freedom of religious profession and worship, as well as an equally firmly established separation of church and State, but the courts do have jurisdiction, as to civil, contract and property rights which are involved in, or arise from, a church controversy. Reid v. Johnston, 241 N. C. 201, 85 S. E. (2d) 114 (1954).

An ordinance prohibiting certain activities on Sunday, pursuant to § 160-200. (6) and (7), was not in contravention of this section. State v. McGee, 237 N. C. 633, 75 S. E. (2d) 783 (1953).

Default Judgment Restraining Pastor from Appearing at Church.—See same catchline under § 1 of this article.

§ 27. Education.

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956); Johnson v. Branch, 242 F. Supp. 721 (E.D.N.C. 1965).

§ 29. Recurrence to fundamental principles.

Cited in Allred v. Graves, 261 N.C. 31, 134 S.E.2d 186 (1964); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 31. Perpetuities, etc.

The common law rule against perpetuities is. etc.—

In accord with original. See Parker v. Parker 252 N. C. 399, 113 S. E. (2d) 899 (1960).

An act authorizing the grant of an exclusive franchise to operate a race track was held unconstitutional as being in violation of this section. State v. Carolina Racing Ass'n, Inc., 241 N. C. 80, 84 S. E. (2d) 390 (1954).

An act which provided for the granting of an exclusive franchise to operate a dog race track was held unconstitutional in State v. Felton, 239 N. C. 575, 80 S. E. (2d) 625 (1954).

Statute Providing for Tile Contractor's License.—G. S. chapter 87, article 3, requiring a license for any person, firm or corporation undertaking to lay, set or install ceramic tile, marble or terrazzo floors or walls, violates this section. Roller v. Allen, 245 N. C. 516, 96 S. E. (2d) 851 (1957).

Cited in State v. McGraw, 249 N. C. 205, 105 S. E. (2d) 659 (1958); State v.

Warren, 252 N. C. 690, 114 S. E. (2d) 660 (1960); Shaw v. City of Asheville, 269 N.C. 90, 152 S.E.2d 139 (1967); Kornegay v. City of Raleigh, 269 N.C. 155, 152 S.E.2d 186 (1967).

§ 35. Courts shall be open.

In a court proceeding all parties are entitled to be present at all of its stages so that they may hear the evidence and have an opportunity to refute it if they can. Raper v. Berrier, 246 N. C. 193, 97 S. E. (2d) 782 (1957).

In a proceeding for the custody of a minor child, where the judge conferred with the minor in chambers in the absence of counsel and the parties, the judgment must be reversed and the cause sent back for rehearing upon objection duly entered by petitioner, the record failing to show consent or waiver of his constitutional right by petitioner. Raper v. Berrier, 246 N. C. 193, 97 S. E. (2d) 782 (1957).

In every criminal prosecution it is the right of the accused to be present throughout the trial, unless he waives the right. And in capital trials the right cannot be waived by the prisoner. State v. Pope, 257 N. C. 326, 126 S. E. (2d) 126 (1962), commented on in 41 N. C. Law Rev. 260.

Cited in Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 37. Treason against the State.—Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture. (Const. 1868; 1961, c. 313, s. 2.)

Editor's Note.—This section was inserted by the constitutional amendment adopted by vote of the people at the general election held November 6, 1962. The amendment renumbered former § 37 of this article as § 38. Prior to the amendment, a section identical to the above appeared as Art. IV, § 5.

Cited in Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 38. Other rights of the people.—This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people. (Const. 1868; 1961, c. 313, s. 2.)

Editor's Note.—This section, formerly § 37, was renumbered by the constitutional amendment adopted by vote of the people at the general election held November 6, 1962. The amendment also inserted present § 37 of this article.

Default Judgment Restraining Pastor from Appearing at Church. — See same catchline under § 1 of this article.

Cited in Watkins v. Wilson, 255 N. C. 510, 121 S. E. (2d) 861 (1961).

ARTICLE II

Legislative Department

§ 1. Two branches.

Cross Reference.—As to zoning statute not delegating legislative power to property owners, see annotation under § 160-173.

Editor's Note.—

For case law survey as to separation of powers, see 44 N.C.L. Rev. 947 (1966).

It is fundamental that all legislative power in this State rests in the General Assembly under this section, except as authorized by the Constitution, as in cases of municipal corporations. Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595, 114 S. E. (2d) 688 (1960).

Legislative power vests exclusively in the General Assembly and except as authorized by the Constitution, as in case of municipal corporations, may not be delegated. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Only Legislature May Amend Statute.—Should the legislative designation of beneficiaries of scholarships contained in § 116-149 (b) be held unconstitutional, the court would remain without authority to specify a residence requirement and legislate a petitioner into the classification of an "eligible child," as only the General Assembly may amend or rewrite a statute.

Ramsey v. North Carolina Veterans Comm'n, 261 N.C. 645, 135 S.E.2d 659 (1964).

Delegation of Power to Voters of Municipality. — Legislative power vests exclusively in the General Assembly, Constitution of North Carolina, Article II, and, except as authorized by the Constitution, as in case of municipal corporations, may not be delegated. While an act, otherwise valid, may be enacted so as to take effect upon approval by a majority of the qualified voters of the affected locality, the General Assembly cannot constitutionally provide that the qualified voters in one governmental unit, e. g., a town, shall decide whether a statute shall be in force and effect elsewhere than in the territory comprising that particular governmental unit. State v. Carolina Racing Ass'n, Inc., 241 N. C. 80, 84 S. E. (2d) 390 (1954).

Legislative power vests exclusively in the General Assembly, N.C. Const., art. II, and except as authorized by the Constitution, as in case of municipal corporations, may not be delegated. An act, otherwise valid, may be enacted so as to take effect upon approval by a majority of the qualified voters of the affected locality. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Legislative function, etc.—

The legislature may not abdicate its power to make laws nor delegate its supreme legislative power to any other coordinate branch or to any agency which it may create. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

But Legislature May Delegate Power to Determine Facts.—

The legislature may not abdicate its power to make laws or delegate its supreme legislative power to any other department or body. However, it is not necessary for the legislature to ascertain the facts of, or to deal with, each case. The constitutional inhibition against delegating legislative authority does not deny to the legislature the necessary flexibility of enabling it to lay down policies and establish standards, while leaving to designated governmental agencies and administrative boards the determination of facts to which the policy as declared by the legislature shall apply. Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

The General Assembly, for the purpose of carrying its enactment into effect, may delegate the power to find facts or to determine the existence or nonexistence of a factual situation or condition on which the operation of a law is made to depend, or another agency of the government is to come into existence, provided adequate standards are set forth to guide the agency in so doing. Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595 114 S. E. (2d) 688 (1960).

And May Delegate Portion of Power under Prescribed Standards.—As to some specific subject matter, the legislature may delegate a limited portion of its legislative power to an administrative agency if it prescribes the standards under which the agency is to exercise the delegated powers. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Legislature Cannot Delegate Absolute Discretion to Apply or Withhold Application of Law. The legislature cannot vest in a subordinate agency the power to apply or withhold the application of the law in its absolute or unguided discretion. Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

It Must Declare Policy, Fix Legal Principles and Provide Adequate Standards. — The legislative body must declare the policy of the law, fix legal principles which are to control in given cases, and provide adequate standards for the guidance of the administrative body or officer empowered to execute the law. Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

But Administrative Details May Be Left to Agency.—If it were necessary for the Turnpike Authority to formulate specific plans as to the course of the turnpike through the various municipalities, and as to the manner and method of construction and then seek legislative approval thereof, there would be no purpose in creating the Authority; the legislature might just as well act itself in the entire matter. The prohibition against abdication of legislative power in favor of an agency was never intended to extend to such administrative details. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Laws Providing for Incorporation of Municipal Corporations.—Ordinarily no delegation of legislative functions is involved in general laws providing for the incorporation of municipal corporations, fixing the conditions on which they may be created, and leaving to some officer or official body the duty of determining whether such conditions exist. However if the statute requires or authorizes the court or other agency to pass upon questions of public policy involved, or to exercise any discretion as to whether the municipal corporation should be created, or to render any other assistance than the determination of facts, there is an attempted delegation of legislative powe. and the statute is invalid. Carolina Virginia Coastal Highway v Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

The Urban Redevelopment Law does not confer any illegal delegation of legislative power upon petitions in violation of this section. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

The Urban Redevelopment Law is constitutional delegation of power by th State to municipal corporations. Horto v. Redevelopment Comm. of High Point 259 N. C. 605. 131 S. E. (2d) 464 (1963)

North Carolina Turnpike Authority Act §§ 136-89.59 to 136 89.77. does not violate this section. North Carolin Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Stated in State v. Mustain, 243 N. C. 564, 91 S. E. (2d) 696 (1956)

Cited in In re Annexation Ordinances, 253 N. C. 637, 117 S. E. (2d) 795 (1961); Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 2. Time of assembly.—The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present. (1955, c. 1253.)

Cross Reference.—For statutory provision as to time of assembly, see § 120-11.1.

Editor's Note.—

The amendment of this section, adopted by vote at the general election held September 8, 1956, substituted "February" for "January" and inserted the words "unless a different day shall be provided by law."

§ 3. Number of senators.

Editor's Note.—Session Laws 1963, Ex. Sess., c. 2, proposed to amend N.C. Const., Art. II, §§ 3, 4, 5 and 6, so as to increase the membership of the Senate, provide for compulsory redistricting of the Senate after each federal census and to provide for one representative from each county. The proposed amendment was defeated by vote of the people at a general election held January 14, 1964.

§ 4. Regulations in relation to districting the State for senators.

Cross Reference. — See note to § 3 of this article.

Proposed Amendment.—

Session Laws 1967, c. 640, s. 1, to be voted on at the general election on Nov. 5, 1968, proposed that this section be amended to read as follows:

§ 4. Senate districts; apportionment of senators.—The senators shall be elected from districts. The General Assembly shall, at the first regular session convening after the return of every decennial enumeration taken by order of Congress, revise the Senate districts and the apportionment of senators among those districts, subject to the following requirements:

(1) Each senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each senator represents being determined for this purpose by dividing the population of the district he represents by the number of senators apportioned to that district;

(2) Each Senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a Senate district;

(4) When established, the Senate districts and the apportionment of senators shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

The duty imposed upon the General Assembly by this section shall continue until performed.

Apportionment of Senate Unconstitutional.—The apportionment of the Senate as it now exists is not sufficiently grounded on population to be constitutionally sustainable. Section 120-1 is therefore null and void. Drum v. Seawell, 249 F. Supp. 877 (M.D.N.C. 1965), aff'd, 383 U.S. 831, 86 Sup. Ct. 1237, 16 L. Ed. 2d 298 (1966).

Quoted in Drum v. Seawell, 250 F. Supp. 922 (M.D.N.C. 1966).

§ 5. Regulations in relation to apportionment of representatives.—The House of Representatives shall be composed of 120 representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation. This apportionment shall be made by the Speaker of the House of Representatives at the first regular session of the General Assembly convening after the return of every enumeration by order of Congress. The formula set out in section 6 of this article shall be applied by the Speaker and the new apportionment entered on the Journal of the House of Representatives on or before the 60th calendar day of the session. When so entered, the new apportionment shall have the same force and effect as an act of the General Assembly, and shall become effective at the next election for members of the General Assembly. (Const. 1868; 1872-73, c. 82; 1961, c. 459.)

Cross References.—

See note to § 3 of this article. As to implementing statute, see Code § 120-2.

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, deleted the words "this apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off" at the end of the first sentence and added the second, third and fourth sentences.

Proposed Amendment.—Session Laws 1967, c. 640, s. 2, to be voted on at the general election on Nov. 5, 1968, proposed that this section be amended to read as follows:

§ 5. Number of representatives.—The House of Representatives shall be composed of 120 representatives, biennially chosen by ballot.

Provisions of Section Are Unconstitutional.—The provisions of the State Constitution requiring that each county be afforded at least one representative regardless of its population and the implementing statute (§ 120-2) are in violation of the equal protection provisions of the Fourteenth Amendment and therefore null and void. Drum v. Seawell, 249 F. Supp. 877 (M.D.N.C. 1965), aff'd, 383 U.S. 831, 86 Sup. Ct. 1237, 16 L. Ed. 2d 298 (1966).

Obligation of the State is to apportion as nearly equally as possible on a population based representation, and even minor deviations must be free from any taint of arbitrariness or discrimination. Drum v. Seawell, 249 F. Supp. 877 (M.D.N.C. 1965), aff'd, 383 U.S. 831, 86 Sup. Ct. 1237, 16 L. Ed. 2d 298 (1966).

Statistical Tests Used in Evaluating State's Efforts at Equal Apportionment.—The Supreme Court, while rejecting a rigid application of a mathematical formula, has laid down two statistical tests in evaluating the State's "honest and good faith effort to construct districts as nearly of equal population as is practicable." First, the minimum controlling percentage, i.e., the percentage of the State's population which resides in the least populous districts which can elect a majority of each House; and second, the population variance ratio, i.e., the ratio between the most populous district and the least populous district of the State. Drum v. Seawell, 249 F. Supp. 877 (M.D.N.C. 1965), aff'd, 383 U.S. 831, 86 Sup. Ct. 1237, 16 L. Ed. 2d 298 (1966).

Guide Lines to Assist Lower Courts in Implementing Constitutional Guaranties of Suffrage.—The Equal Protection Clause requires substantially equal representation for all citizens in a state in each of the two houses of a state bicameral legislature. This right may not be debased by weighing votes differently according to where a citizen happens to reside. Representation in state legislative bodies must be, as nearly as practicable, apportioned on districts of equal population though mechanical exactness is not required. Political subdivisions may be recognized but not at the cost of substantial equality among the several districts. Considerations of history, economic or other group interests or area alone do not justify substantial deviations from the equal population concept. Nor will the presence of large numbers of military and military related personnel justify the underrepresentation of an area. Discrimination against a class of individuals, merely because of the nature of their employment, without more being shown, is constitutionally impermissible. Drum v. Seawell, 249 F. Supp. 877 (M.D.N.C. 1965), aff'd, 383 U.S. 831, 86 Sup. Ct. 1237, 16 L. Ed. 2d 298 (1966).

§ 6. Ratio of representation.

Cross Reference.—See notes to §§ 3 and 5 of this article.

Proposed Amendment.—Session Laws 1967, c. 640, s. 3, to be voted on at the general election on Nov. 5, 1968, proposed that this section be amended to read as follows:

§ 6. Representative districts; apportionment of representatives.—The representatives shall be elected from districts. The General Assembly shall, at the first regular session convening after the return of every decennial enumeration taken by order of Congress, revise the Representative districts and the apportionment of representatives among those districts, subject to the following requirements:

(1) Each representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each representative represents being determined for this purpose by dividing the population of the district he represents by the number of representatives apportioned to that district;

(2) Each Representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a Representative district;

(4) When established, the Representative districts and the apportionment of representatives shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

The duty imposed upon the General Assembly by this section shall continue until performed.

§ 7. Qualifications for senators.

Cited in Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

§ 8. Qualifications for representatives.

Proposed Amendment.—Session Laws 1967, c. 640, s. 5, to be voted on at the general election on Nov. 5, 1968, proposed to amend this section by striking the word "county" and inserting in lieu thereof the word "district."

§ 13. Vacancies.

Proposed Amendment.—Session Laws 1967, c. 640, s. 4, to be voted on at the general election on Nov. 5, 1968, proposed that this section be amended to read as follows:

§ 13. Vacancies.—Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

§ 14. Revenue.

II. GENERAL CONSIDERATION.

Tolls and Taxes Distinguished.—Taxes are levied for the support of government, and their amount is regulated by its necessities. Tolls are the compensation for the use of another's property or improvements made, and their amount is determined by the cost of the property or improvements. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Tolls are not taxes. A person uses a toll road at his option; if he does not use it, he pays no toll. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Turnpike Authority Bonds Not Debt within Meaning of Constitution. — The General Assembly has taken great care to make it crystal clear that the credit of neither the State nor any of its political subdivisions can be pledged to pay the Turnpike Authority's revenue bonds. This method of financing creates no debt within the meaning of the Constitution. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Section Complied with. — Passage of Session Laws 1961, c. 783, amending § 105-228.5, was held to meet the requirements of this section. Great Am. Ins. Co. v. High, 264 N.C. 752, 142 S.E.2d 681 (1965).

Cited in Great American Ins. Co. v. Gold, 254 N. C. 168, 118 S. E. (2d) 792 (1961).

§ 19. President of the Senate.

Quoted in Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 20. Other senatorial officers.—The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant-Governor-elect to qualify, or upon succession by the Lieutenant-Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate. The Senate shall elect its other officers. (Const. 1868; 1961, c. 466, s. 1.)

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, rewrote this section.

Quoted in Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 21. Style of the acts.

Quoted in Blowing Rock v. Gregorie, 243 N. C. 364, 90 S. E. (2d) 898 (1956).

§ 27. Election for members of the General Assembly.

Proposed Amendment. — Session Laws 1967, c. 640, s. 6, to be voted on at the general election on Nov. 5, 1968, proposed to amend this section by striking the words "and counties" in the first sentence.

§ 28. Pay of members and presiding officers of the General Assembly.—The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session for a period not exceeding one hundred and twenty days. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding one hundred and twenty days. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty-five days. The members and presiding officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally. (1955, c. 1169.)

Editor's Note.—

The amendment of this section, adopted by vote at the general election held September 8, 1956, extended the compensable period in the first two sentences from ninety days to one hundred and twenty days. It also added the last sentence.

Proposed Amendment. — Session Laws 1967, c. 391, s. 1, to be voted on at the general election on Nov. 5, 1968, proposed that this section be amended to read as follows:

§ 28. Compensation of members and officers of the General Assembly.—The members and officers of the General Assembly shall receive for their services a compensation to be established by the General Assembly. An increase in the compensation of members shall become effective at the beginning of the next regular session of the General Assembly.

§ 29. Limitations upon power of General Assembly to enact private or special legislation.—The General Assembly shall not pass any local, private, or special act or resolution relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to nonnavigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it. Any local, private or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section. (1915, c. 99; 1961, c. 313, s. 3.)

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, deleted the words "relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace" following the word "resolution" near the beginning of this section.

For note on constitutionality of local laws, see 36 N. C. Law Rev. 537.

For an article discussing the history and present vitality of this section, see 45 N.C.L. Rev. 340 (1967).

Purpose of Section.—It was the purpose of this section to free the General Assembly from the enormous amount of petty detail which had been occupying its attention to enable it to devote more time and attention to general legislation of statewide interest and concern, to strengthen local self-government by providing for the delegation of local matters by general laws to local authorities, and to require uniform and coordinated action under general laws on matters related to the welfare of the whole State. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965).

The purpose of this amendment, when framed by the legislature in 1915, was to relieve the General Assembly from the necessity of passing on laws relating to certain specified matters in which only a small territory or a few persons were concerned, and to thereby enable members of the General Assembly to devote their time and attention to the enactment of legislation important to the entire State. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Effect of Section.—Prior to the effective date of this section statutes imposing prohibitions, restrictions and burdens in certain localities not in conflict with any general criminal statute dealing with the same subject matter were upheld See State v. Carolina Racing Ass'n, Inc., 241 N C. 80. 84 S. E. (2d) 390 (1954). The modification wrought by this section is that now a local, private or special act, dealing with designated subjects, is void as violative of this section of our organic law. State v. Chestnutt, 241 N. C. 401, 85 S. E. (2d) 297 (1955).

This section was adopted at the general election of 1916. Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N C 179, 74 S E (2d) 749 (1953). And it became effective on the second Wednesday after the first Monday in January, 1917. Goldsboro v. Atlantic Coast Line R. Co. 241 N C 216, 85 S E. (2d) 125 (1954)

This section does not forbid local acts passed in the exercise of delegated police power if they do not relate to the matters therein prohibited State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Subsequent Local Law Increasing Authority Granted to City before Effective Date of Section.—Where a local statute giving a municipality power to improve its streets and assess abutting owners for a part of the cost, is enacted prior to the effective date of this section, a subsequent local law which merely increases the jurisdiction and authority granted to the city in regard to such improvements does not violate the constitutional proscription. Goldsboro v Atlantic Coast Line R Co., 241 N. C. 216, 85 S. E. (2d) 125 (1954).

It was not contemplated under this section that the sovereign state would enter any trade or business venture for profit. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Section Does Not Limit Power of State to Control Intoxicating Liquor.—This section is not intended to limit or fetter the police power of the State in any manner in its control of intoxicating liquor. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Had it been the intention of the General Assembly to include the ever-present and important question of intoxicating liquor among the prohibited subjects in this section, the term "intoxicating liquor" would have been included in the enumerated list. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

A statute is either "general" or "local"; there is no middle ground. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

What Are Local Laws.—

In accord with 2nd paragraph in original. See Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953); Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

When the persons or things subject to the law are not reasonably different from those excluded the statute is local or special. McIntyre v. Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

The phrase local law means, primarily at least, a law that in fact, if not in form is confined within territorial limits other than that of the whole State, or applies to any political subdivision or subdivisions of the State less than the whole, or to the property and persons of a limited portion of the State, or to a comparatively small portion of the State or is directed to a specific locality or spot as distinguished from a law which operates generally throughout the State. McIntyre v. Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

A law is local where, by force of an inherent limitation, it arbitrarily separates some places from others upon which, but for such limitation, it would operate, and where it embraces less than the entire class of places to which such legislation would be necessary or appropriate, having regard to the purpose for which the legislation was designed, and where classification does not rest on circumstances distinguishing the places included from those excluded. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

The number of counties included or excluded is not necessarily determinative. Conceivably, a statute may be local if it excludes only one county. On the other hand, it may be general if it includes only one or a few counties. It is a matter of classification. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

A statute applicable to a single city, without reasonable distinction between such city and other cities or towns for the purpose of classification, is a local act. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

What Are General Laws.— For a law to be general it is only required that the objects of its operation be reasonably classified. McIntyre v. Clarkson 254 N. C. 510, 119 S. E. (2d) 888 (1961).

Statutes relating to persons or things as a class are general laws. McIntyre v. Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

A law is general if it applies to and operates uniformly on all the members of any class of persons, places, or things requiring legislation peculiar to itself in matters covered by the law. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

An act is not invalid merely because it is local unless it violates some constitutional provision. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Classifications must be general within the limits of the subject matter. They must be reasonable and the statute must affect all within the class uniformly. Classifications must not be arbitrary or capricious, but must be natural and intrinsic and based on substantial differences. McIntyre v. Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

Classification must be reasonable and germane to the law. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Classification must not be discriminatory, arbitrary or capricious. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Universality is immaterial so long as those affected are reasonably different from those excluded and, for the purpose of the statute, there is a logical basis for treating them in a different manner. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965).

Classification must be based on a reasonable and tangible distinction and operate the same on all parts of the State under the same conditions and circumstances.

High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Classification does not render a statute "local" if the classification is reasonable and based on rational difference of situation or condition. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965); Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Constitutionality of Statutes Supplementing General Laws.—Statutes which do not directly contravene this section, but supplement general laws and policy, or aid in administering or financing policy established by general law are not unconstitutional, especially when the administrative unit is local in nature. McIntyre v. Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

Establishment of Recorders' Courts.—

The 1953 act making the provisions of § 7-185 et seq. applicable to muncipalities in Johnston County, and amending § 7-264 by eliminating that county from those excepted in the latter section, was not a local, private or special act violative of this constitutional provision, but was tantamount to a re-enactment of the general law relating to establishment of recorders' courts, making it applicable to Johnston County. State v. Ballenger, 247 N. C. 216, 100 S. E. (2d) 351 (1957), decided prior to the 1962 constitutional amendment.

Increasing Jurisdiction of Certain Court —Courts Already Established.—

In accord with original. See State v. Furmage, 250 N. C. 616, 109 S. E. (2d) 563 (1959), decided prior to the 1962 constitutional amendment.

Changing Jurisdiction of Existing Inferior Court.—An act which does not undertake to establish a court inferior to the superior court, but merely changes the jurisdiction of an existing inferior court duly created on a former occasion, does not fall under the bar of the provision of this section. State v Norman, 237 N. C. 205, 74 S. E. (2d) 602 (1953), decided prior to the 1962 constitutional amendment.

Local Law Relating to Health and Sanitation.—Chapter 1189, Session Laws of 1963, applicable solely to the town of Beaufort and providing that in the event the sewerage system of a municipality shall have been declared a source of unlawful pollution to adjacent streams or waterways the municipality should not be required to extend any sewerage outfalls into an area annexed by it, is a local act relating to health and sanitation within the meaning of this section and is unconstitutional and void. Gaskill v. Costlow, 270 N.C. 686, 155 S.E.2d 148 (1967); Safrit v. Costlow, 270 N.C. 680, 155 S.E.2d 252 (1967).

Authorizing Consolidation of City and County Health Departments.—

In accord with original. See Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

Issuance of County Road Bonds.—

In accord with 2nd paragraph in original. See Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

A statute which provides for the operation of a dog racing track by the licensee of the Morehead City Racing Commission is held a local and special act relating to trade, and is unconstitutional. State v. Carolina Racing Ass'n, Inc., 241 N. C. 80, 84 S. E. (2d) 390 (1954)

Directing Sheriff to Dispose of Cattle in a Particular Area.—Chapter 782, Session Laws 1959, which relates solely to the segment of the outer banks in Carteret County between Beaufort Inlet and Ocracoke Inlet, and purports to authorize and direct the sheriff of Carteret County, without judicial inquiry of any kind, to remove and dispose of all cattle, etc., in this particular area is a local act relating to the abatement of a public nuisance, is unconstitutional, and therefore void as violative of this section. Chadwick v Salter, 254 N C. 389 119 S E. (2d) 158 (1961).

Article 14A of chapter 7 is unconstitutional as it is local and special and contravenes this section relating to the appointment of justices of the peace. McIntyre v Clarkson, 254 N. C. 510, 119 S. E. (2d) 888 (1961).

Authorizing Construction of Toll Roads and Bridges in Five Counties Only.—An act which authorizes the construction and operation of toll roads and toll bridges only within five counties of the State is repugnant to this section and is therefore void. Carolina-Virginia Coastal Highway v Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

Act Authorizing City and County to Provide for Care of Indigent Sick and Afflicted Poor.—Where an act authorizes the city and county to make provision for "the hospitalization, medical attention, and care of the indigent sick and afflicted poor" of the city and county alone, since to come within the provisions of this act the poor must be sick and afflicted the act is a local act relating to health, and void as in direct conflict with this section. Board of Managers of James Walker Memorial Hospital

v. Wilmington, 237 N C. 179, 74 S. E. (2d) 749 (1953).

Establishment of Small Claims Docket in Superior Court.—Chapter 1057, Session Laws of 1951, providing for the maintenance of a small claims docket in the Superior Court for Forsyth County does not violate this section, since the purpose of the act is procedural in character, and it does not purport to relate to establishment of a court inferior to the superior court. Better Home Furniture Co. v. Baron, 243 N. C. 502, 91 S. E. (2d) 236 (1956), decided prior to the 1962 constitutional amendment.

Authorizing Certain Police Officers of Particular Municipality to Issue Warrants.—An act authorizing certain police officers of a particular municipality to issue warrants does not relate to the establishment of courts inferior to the superior court or to the appointment of justices of the peace, and therefore does not violate the provisions of this section. State v. St. Clair, 246 N. C. 183, 97 S. E. (2d) 840 (1957), decided prior to the 1962 constitutional amendment.

Selection of Jurors.—Chapter 359 of the Session Laws of 1955, amending § 9-1 providing for the selection of jurors in Madison County by a jury commissioner appointed by the resident judge, is not a statute dealing with the establishment of a court inferior to the superior court or any other subject designated in this section, and therefore the fact that the statute is a local act does not render it unconstitutional under this section. Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963), decided prior to the 1962 constitutional amendment.

Relating to Improvement of Streets and Alleys. — Local acts relating to the improvement of streets and alleys generally in a city or town, and authorizing the assessment of the cost thereof against the abutting property, do not conflict with this section, although unquestionably an act purporting to authorize the laying out of particular streets or highways, or to authorize the maintenance of a designated street or streets, or the discontinuance thereof, would be repugnant to this section. In re Resolutions, 243 N. C. 494, 91 S E (2d) 171 (1956).

Meaning of "School District".— The term "school district" in this section means a "district" provided for in N.C. Const., Art. IX, § 3. That is, a "school district" is an area within a county in which one or more public schools must be maintained. It is so defined in § 115-7. Hobbs v. County of Moore, 267 N.C. 665, 149 S.E.2d 1 (1966).

An "administrative unit" is not a "school district" within the meaning of this section. Hobbs v. County of Moore, 267 N.C. 665, 149 S.E.2d 1 (1966).

Session Laws 1965, Chapter 1051, Not Violative of This Section.—See Hobbs v. County of Moore, 267 N.C. 665, 149 S.E.2d 1 (1966).

A statute enabling the consolidation of county and city school administrative units under the general laws and the levy of certain taxes for the construction and operation of the schools of the consolidated unit, does not violate this section, since it does not, in itself, undertake to establish or change the lines of a school district, but merely provides machinery for action by local units under the general law, and further provisions of the statute requiring that the merger and the levy of the taxes be approved by a vote does not alter this result. Peacock v. County of Scotland, 262 N.C. 199, 136 S.E.2d 612 (1964).

Meaning of "Trade".—"Trade" as used in this section refers to a business venture embarked in for gain or profit by a person or a business corporation. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

A trade within the meaning of this section includes any employment or business embarked in for gain or profit. Orange Speedway, Inc. v Clayton, 247 N C. 528, 101 S. E. (2d) 406 (1958); State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965)

Trade within the meaning of this section is a business venture for profit and includes any employment or business embarked in for gain or profit. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965).

"Trade" as used in this section refers to commerce engaged in by citizens of the State, and not a restricted activity conducted by the State itself. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Dispensing of intoxicating liquors by State is not a "trade" within the meaning of this section. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

The word "trade" was not intended by the drafters of this section to include the monstrous and demanding problem of intoxicating liquors. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Chapter 650, Session Laws 1965, authorizing a local option election in Reidsville to determine whether alcoholic beverage control stores may be operated in that city and providing for the establishment of a city board of alcoholic control if authority is granted, does not violate this section as the act of dispensing intoxicating liquor by the State is not a trade, but is a valid exercise of its police powers. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Local Law Regulating Trade.—Section 1 (3), c. 1071, Session Laws 1953, as amended by § 1½ (3), c. 943, Session Laws 1961, authorizing the Forsyth County board of commissioners to regulate public poolrooms, billiard parlors, dance halls, and clubs is a local act regulating trade and, therefore, unconstitutional under this section. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Sunday Sale Law.—A statute proscribing the sale on Sunday of merchandise falling within certain classifications is a statute regulating trade under the purview of this section. Treasure City of Fayetteville, Inc. v. Clark, 261 N.C. 130, 134 S.E.2d 97 (1964).

An act which restricts or regulates the operation, engaging in or carrying on of business, or prohibits the sale of merchandise on Sunday, regulates trade. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965).

Section 14-346.2 proscribing the sale of merchandise of specific classifications within the State, but exempting designated counties and parts of counties therefrom, with provision that the areas exempted are exempted upon the classification of such areas as resort or tourist areas, but which does not define "resort area" and which as a matter of common knowledge does not exempt all recognized tourist areas of the State or, by its classifications of goods, preclude the sale only of such merchandise as is inappropriate to the tourist trade, is held void as a local law in violation of this section. Treasure City of Fayetteville, Inc. v. Clark, 261 N.C. 130, 134 S.E.2d 97 (1964).

Section 153-9 (55), insofar as it purports to authorize only 52 (now 56) of the 100 counties to regulate and prohibit the sale of goods, wares, and merchandise on Sunday, is a local act regulating trade and thus a violation of this section. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Section 153-9 (55) is a local statute and hence void by the express provisions of this section. High Point Surplus Co. v. Pleasants, 264 N.C. 650, 142 S.E.2d 697 (1965).

A statute applicable to one county alone which attempts to regulate professional automobile and motorcycle racing, rather than automobile and motorcycle racing in general, is void as a local act regulating labor or trade. Orange Speedway, Inc. v. Clayton, 247 N. C. 528, 101 S. E. (2d) 406 (1958), holding Session Laws 1957, c. 588, void.

Ban on Motor Vehicle Races on Sunday.—Chapter 177, Session Laws of 1949, bans all motor vehicle races on Sunday in Wake County without regard to the commercial or noncommercial character of the activity, and therefore, it is not an act regulating labor or trade within the meaning of this section. Persons whose activities are commercial in character are in no better position than those who engage in the proscribed activity without reference to profit. State v. Chestnutt, 241 N. C. 401, 85 S. E. (2d) 297 (1955).

Sunday-Observance Ordinances.—When a county or a city attempts to pass, under a local grant of police power, a Sunday-observance ordinance whose only effect is to regulate trade, the legislation must yield to this section, whether the purported authority to pass it be specifically conferred in the act or not. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

If an ordinance prohibits all of a certain type of activity on Sunday, as, e.g., motor-vehicle racing, which might or might not be commercial, its exercise of police power does not conflict with this section, for its regulation of trade is merely incidental, or consequential. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

When enacted by cities and towns under general laws, Sunday-observance ordinances which are reasonable and do not discriminate within a class of competitors similarly situated have been upheld as a valid exercise of delegated police power. All such ordinances, when they proscribe buying and selling, whether it be, say, tangible merchandise or a ticket to an amusement or a sporting event, regulate trade under the broad definition of trade which has been adopted by the Supreme Court. Since, however, these city ordinances are passed under general laws, § 160-52 and § 160-200 (6), (7), and (10), with reference to them there is no conflict between the exercise of the police power and this section. State v. Smith, 265 N.C. 173, 143 S.E.2d 293 (1965).

Giving Board of Equalization Opportunity to Act on Appeals. — Chapter 916, Session Laws 1961, applicable only to Mecklenburg County, does not have the effect of extending the time for the assessment of taxes in Mecklenburg County, but merely gives the board of equalization and review of that county opportunity to act on appeals by property owners from the assessing authorities, and the statute does not vest the board with authority ex mero motu to increase valuations after the time limited by subsection (e) of § 105-327, and to construe it as having such effect would render it unconstitutional as a special act. Spiers v. Davenport, 263 N.C. 56, 138 S.E.2d 762 (1964).

Applied in State v. Baker, 240 N. C. 140, 81 S. E. (2d) 199 (1954); Clark's Charlotte, Inc. v. Hunter, 261 N.C. 222, 134 S.E.2d 364 (1964); Iredell County v. Crawford, 262 N.C. 720, 138 S.E.2d 539 (1964).

Quoted in State v Alverson, 254 N. C. 204, 118 S E. (2d) 408 (1961).

Cited in Eaton v. Board of Managers of James Walker Memorial Hospital, 261 F. (2d) 521 (1958); Fulton v. City of Morganton, 260 N.C. 345, 132 S.E.2d 687 (1963); High Point Surplus Co. v. Pleasants, 263 N.C. 587, 139 S.E.2d 892 (1965); North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

ARTICLE III

Executive Department

§ 1. Officers of the executive department; terms of office.

Quoted in Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 2. Qualifications of Governor and Lieutenant-Governor.—No person shall be eligible for election to the office of Governor or Lieutenant-Governor, unless he shall have attained the age of 30 years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall a person elected to either of these two offices be eligible for election for the next succeeding term of the same office. (Const. 1868; 1961, c. 466, s. 2.)

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, rewrote the portion of this section following the semicolon.

Quoted in Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 6. Reprieves, commutations, and pardons.

Editor's Note.—

For brief comment on the amendment, see 31 N C. Law Rev 432.

Sentence Active in Part and Suspended in Part Violates Section.—It is not within the power of a court to impose sentence active in part and suspended in part. Where a single offense is involved, the sentence must be made active in full or suspended in full. A split sentence is in effect an anticipatory pardon or parole, violative of the provisions of the Constitution of North Carolina appertaining to pardons and paroles. In re Powell, 241 N. C. 288, 84 S. E. (2d) 906 (1954).

Cited in State v Conner, 241 N. C. 468, 85 S. E. (2d) 584 (1955).

§ 8. Commander-in-chief.

Stated in Morgan v Spindale, 254 N C. 304, 118 S. E. (2d) 913 (1961).

§ 11. Duties of the Lieutenant-Governor.

Quoted in Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 12. Succession to office of Governor.—The Lieutenant-Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant-Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant-Governor shall be acting Governor. The further order of succession as acting Governor shall be prescribed by law.

The Governor may, by a written statement filed with the Secretary of State. declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State. a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

Removal of the Governor from office for any other cause shall be by impeachment. (Const. 1868; 1961, c. 466, s. 3.)

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, rewrote this section.

The Constitution provides for the succession of the Governor and the Lieutenant-Governor and does not authorize a vacancy in either office to be filled at an election for any portion of an unexpired term. Thomas v. State Board of Elections, 256 N. C. 401. 124 S. E. (2d) 164 (1962).

Governor May Not Appoint Successor to Lieutenant-Governor.—There is no constitutional provision which authorizes the Governor to appoint a successor to a deceased Lieutenant-Governor to fill out a vacancy existing by reason of his death. Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

Since Lieutenant-Governor's Office Devolves upon President of Senate.—When a vacancy occurs in the office of Lieutenant-Governor, the powers, duties and emoluments of the office of Lieutenant-Governor devolve upon the President of the Senate who shall discharge the duties and powers of the office of Lieutenant-Governor for the unexpired portion of the term to which the Lieutenant-Governor was elected. Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

§ 13. **Duties of other executive officers.**—The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of these officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor be elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article: Provided, that when a vacancy occurs in the office of any of the officers named in this section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this section to fill the vacancy and is qualified.

During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to the provisions of this section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment. (Const. 1868; 1872-73, c. 84; 1943, c. 57; 1953, c. 1033, s. 1; 1961, c. 466, s. 4.)

Editor's Note.—

The amendment adopted by vote of the people at the general election held November 6, 1962, deleted the words "the disability be removed or" following the word "until" in the second sentence and made other minor changes in the first paragraph. It also added the second, third and fourth paragraphs.

Vacancies Filled by Appointment until Election.—In each of the offices named in this section in which a vacancy is required to be filled, the duty is imposed upon the Governor to appoint another to fill the office until a successor is elected and qualified. Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

No Election of Successor to Lieutenant-Governor.—If it had been the intent of the framers of the Constitution to authorize or require the election of a successor to fill a vacancy in the office of Lieutenant-Governor, as required with respect to the offices named in this section, then there is no sound reason why the framers of the Constitution did not include the office of Lieutenant-Governor in this section. Thomas v. State Board of Elections, 256 N. C. 401, 124 S. E. (2d) 164 (1962).

Applied in Great American Ins. Co. v. Gold, 254 N. C. 168 118 S. E. (2d) 792 (1961).

Quoted in National Ass'n for Advancement of Colored People v. Eure, 245 N. C. 331, 95 S. E. (2d) 893 (1957.)

§ 14. Council of State.

The responsibility for interpreting a tax statute, is placed on the Commissioner of Revenue by § 105-264, and the Attorney General's opinion in regard thereto is advisory only, by virtue of this section and § 114-2. In re Virginia-Carolina Chemical Corp., 248 N. C. 531, 103 S. E. (2d) 823 (1958).

Applied in Great American Ins. Co. v. Gold, 254 N. C. 168 118 S. E. (2d) 792 (1961).

§ 15. Compensation of executive officers. — The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by the General Assembly, which shall not be diminished during the time for which they shall have been elected. (Const. 1868; 1961, c. 840.)

Editor's Note.—

The amendment adopted by vote of the people at the general election held November 6, 1962, substituted "by the General Assembly" for "by law" near the middle of the section. It also deleted the words "increased nor" before the word "diminished" and the clause "and the said officers shall receive no other emolument or allowance whatever" at the end of the section.

§ 18. Department of Justice.

Quoted in State v Loesch, 237 N C. 611, 75 S E (2d) 654 (1953); National Ass'n for Advancement of Colored People v. Eure, 245 N. C. 331, 95 S. E. (2d) 893 (1957).

ARTICLE IV

Judicial Department

§ **1. Division of judicial power.**—The judicial power of the State shall, except as provided in section 3 of this article, be vested in a court for the trial of impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this article. (Const. 1868; Convention 1875; 1961, c. 313, s. 1.)

Cross Reference. — For statute implementing this article, see § 7A-1 et seq.

Editor's Note.—This article was entirely rewritten by an amendment adopted by vote of the people at the general election held November 6, 1962. The twenty-one sections of the article as amended replace the thirty-three sections of the original article. Two sections of the original article were, in effect, transferred by the amendment: § 5, Treason against the State, now appears as § 37 of Art. I; § 24, Sheriffs and Coroners, now appears as Art. VII, § 5, Sheriffs, the provisions as to coroners and constables in the former section having been eliminated.

Annotations under the various sections of this article in the 1961 Cumulative Supplement have been placed under appropriate sections of the amended article.

For comment on court reform under 1962 amendment, see 42 N.C.L. Rev. 858 (1964).

For note on judicial review and separation of powers, see 45 N.C.L. Rev. 467 (1967).

The 1962 Amendment Rewrote This Article.—This article was entirely rewritten by an amendment adopted by a majority vote of the people of North Carolina in the general election held on 6 November 1962. State v. Davis, 270 N.C. 1, 153 S.E.2d 749 (1967).

And It Added Entirely New Clause.—The last clause of this section, as amended in 1962, providing that the General Assembly shall have no power to "establish or authorize any courts other than as permitted by this article," is entirely new. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Purpose of 1962 Amendment. — The primary purpose of the 1962 amendment of this article was to establish "a unified judicial system." To accomplish this result, all judicial power, except that vested in a court for the trial of impeachments and in administrative agencies, is now vested by the Constitution in the General Court of Justice. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

General Assembly May Not Confer Judicial Power on Police Officer. — A police officer is neither an official of the General Court of Justice, nor an administrative agency within the meaning of § 3 of this article, hence the General Assembly lacks constitutional authority to confer judicial power upon a police officer. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Section 160-20.1 and Session Laws 1963, c. 1093, purporting to confer judicial powers on police "desk officers" who are not officers of the General Court of Justice and who were not vested with judicial power on November 6, 1962, are unconstitutional and void. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Thus Police Officer May Not Authorize Issuance of Warrant. — The General Assembly cannot confer upon a police officer judicial power sufficient to authorize the issuance of a valid warrant under any circumstances, even where the complainant is a private citizen and has no connection with any law-enforcement agency. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Quoted in State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N. C. 416, 142 S.E.2d 8 (1965).

Cited in State v. Stevens, 264 N.C. 364, 141 S.E.2d 521 (1965).

§ **2. General Court of Justice.** — The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration; and shall consist of an appellate division, a Superior Court division, and a District Court division. (1961, c. 313, s. 1.)

Courts Constituting General Court of Justice.—The General Court of Justice consists exclusively of the courts constituting the appellate, superior court and district court divisions thereof. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Police officer is not an official of the General Court of Justice. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Stated in State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

§ **3. Judicial powers of administrative agencies.** — The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice. (1961, c. 313, s. 1.)

Agencies Are Not Courts.—Administrative agencies referred to in this section ex vi termini are distinguished from courts. They are not constituent parts of the General Court of Justice. State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

Police officer is not an administrative agency within the meaning of this section. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Quoted in Clark v. Gastonia Ice Cream Co., 261 N.C. 234, 134 S.E.2d 354 (1964).

§ **4. Court for the trial of impeachments.**—The House of Representatives solely shall have the power of impeaching. The Court for the trial of impeachments shall be the Senate. When the Governor or Lieutenant-Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law. (Const. 1868; 1961, c. 313, s. 1.)

§ **5. Appellate division.**—The appellate division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals. (1961, c. 313, s. 1; 1965, c. 877.)

Editor's Note.—The amendment to this section adopted by vote of the people at the general election held Nov. 2, 1965, added "and, when established by the General Assembly, an intermediate Court of Appeals."

Quoted in State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

§ **6. Supreme Court.**—(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available is authorized to discharge such duties. The General Assembly may provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly. (Const. 1868; Convention 1875; 1887, c. 212; 1935, c. 444; 1953, c. 611; 1961, c. 313, s. 1.)

§ **6A. Court of Appeals.**—The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated. (1965, c. 877.)

Editor's Note.—This section was inserted by constitutional amendment adopted by vote of the people at the general election held Nov. 2, 1965.

§ **7. Superior Courts.** — (1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court judges for each district. Each regular Superior Court judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. If the office of clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held. (Const. 1868; Convention 1875; 1915, c. 99; 1949, cc. 393, 775; 1961, c. 313, s. 1.)

§ **8. District Courts.** — The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit; but a District Court must sit in at least one place in each county. District judges shall be elected for each district for a term of four years, in a manner provided by law. When more than one district judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as chief district judge. Every district judge shall reside in the district for which he is elected. For each county, the senior regular resident judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the clerk of the Superior Court of the county, one or more magistrates who shall be officers of the District Court. The number of district judges and magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of district judge shall be filled, for the unexpired term, in a manner provided by law. Vacancies in the office of magistrate shall be filled, for the unexpired term, in the manner provided for original appointment to the office. (1961, c. 313, s. 1.)

Cited in State v. Davis, 270 N.C. 1, 153 S.E.2d 749 (1967).

§ **9. Assignment of judges.**—The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of judges of the Superior Court and may transfer district judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of district judges within each local court district shall be made by the chief district judge. (Const. 1868; Convention 1875; 1915, c. 99; 1949, c. 775, 1961, c. 313, s. 1.)

Statutes Implementing Section. — See Baker v. Varser, 239 N. C. 180, 79 S. E. (2d) 757 (1954).

Judicial Notice of Assignment of Judges. —The Supreme Court will take judicial notice of the minute book showing the assignment of judges by the Chief Justice, and will take notice that the superior court judge holding the particular term of court in question had been assigned to hold said term. Staton v. Blanton, 259 N. C. 383, 130 S. E. (2d) 686 (1963).

§ **10. Jurisdiction of the General Court of Justice.** — (1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this article, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the other courts. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; the decisions shall be reported to the next session of the General Assembly for its action.

(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall provide by general law uniformly applicable in every county of the State.

(4) District Courts; magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) Appeals. The General Assembly shall, by general law, provide a proper system of appeals: Provided, that appeals from magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State. (Const. 1868; Convention 1875; 1961, c. 313, s. 1; 1965, c. 877.)

I. General Consideration.
II. Supreme Court.

I. GENERAL CONSIDERATION.

Editor's Note.—The amendment to this section adopted by vote of the people at the general election held Nov. 2, 1965, inserted present subsection (2) and renumbered former subsections (2) to (5) as (3) to (6).

For survey of case law as to direct appeal to State Supreme Court from order or decision of Utilities Commission, see 44 N.C.L. Rev. 890 (1966).

Applied in State v. Smith, 240 N. C. 631, 83 S. E. (2d) 656 (1954); In re Stokley, 240 N. C. 658, 83 S. E. (2d) 703 (1954); In re Burton, 257 N C. 534, 126 S E. (2d) 581 (1962); State v Moore 258 N. C. 300, 128 S. E. (2d) 563 (1962); Weston v. Hasty, 260 N. C. 444, 133 S.E.2d 66 (1963); Potter v. State, 263 N.C. 114, 139 S.E.2d 4 (1964); In re Custody of Ponder, 263 N.C. 530, 139 S.E.2d 685, (1965); State v. Brown, 263 N.C. 786, 140 S.E.2d 413 (1965); Askew v. Leonard Tire Co., 264 N.C. 168, 141 S.E.2d 280 (1965).

Stated in Jones v. Horton, 264 N.C. 549, 142 S.E.2d 351 (1965).

Cited in Nello L. Teer Co. v. North Carolina State Highway Comm'n, 265 N.C. 1, 143 S.E.2d 247 (1965).

II. SUPREME COURT.

The jurisdiction of the Supreme Court is conferred and defined by the Constitution, not by the General Assembly State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

It Relates Solely to Appeals from Courts. —Under the present provisions of this article the appellate jurisdiction of the Supreme Court relates solely to appeals from decisions of "the courts below." State ex rel North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

And Does Not Include Direct Appeals from Agencies.—Under this section, the jurisdiction of the Supreme Court is to review on appeal decisions "of the courts below." This does not include jurisdiction to review on direct appeal the decisions of administrative agencies. State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

Subsection (5) refers to a system of appeals from a lower court to a higher court within the General Court of Justice. State ex rel. North Carolina Util. Comm'n v. Old Fort Finishing Plant, 264 N.C. 416, 142 S.E.2d 8 (1965).

What Reviewable.—On appeal to the Supreme Court, only error as to the law or legal inferences are reviewable upon the record in the case. Merchants Nat. Bank v. Howard, 188 N. C. 543, 125 S. E. 126 (1924); State v. Neill, 244 N. C. 252, 93 S. E. (2d) 155 (1956). See also, Barnes v. Teer, 218 N. C. 122, 10 S. E. (2d) 614 (1940); McKay v. Bullard, 219 N. C. 589, 14 S. E. (2d) 657 (1941).

Remedial Writs Controlling Proceedings of Inferior Courts.—Where an order of the superior court makes no ruling on exceptions to an order of the Public Utilities Commission, but remands the cause to the Commission for a determination, after further proceedings, of the precise question it had theretofore considered and decided, without specifying the ground on which the court's order is based, the Supreme Court, under the circumstances, in the exercise of its power under this section to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts, will vacate the court's order and remand the cause to the superior court for consideration and decision of the questions raised by protestants' exceptions to the Commission's findings and order. State v. Maybelle Transport Co., 252 N. C. 776, 114 S. E. (2d) 768 (1960).

The Supreme Court has the power to issue any remedial writ necessary to give it general supervision and control over proceedings of the lower courts and to this end will grant certiorari to review an order of the superior court ordering the State to pay attorney's fees for representation of an indigent defendant in the federal courts which involves a question of public importance. State v. Davis, 270 N.C. 1, 153 S.E.2d 749 (1967).

Habeas Corpus.—Although petitioner's purported appeal from a judgment rendered on return to a writ of habeas corpus would ordinarily have been dismissed, it was treated as a petition for writ of certiorari by the Supreme Court in State v. Renfrow, 247 N. C. 55, 100 S. E. (2d) 315 (1957), in order that an important question presented by the record might be clarified.

The Supreme Court has supervisory jurisdiction over the lower courts and will exercise this jurisdiction in order that the case may be tried on the correct theory below and unnecessary delay in the administration of justice be thereby prevented Greene v. Charlotte Chemical Laboratories, Inc., 254 N. C. 680, 120 S. E. (2d) 82 (1961).

The Supreme Court has general supervisory authority over the orders, judgments, and decrees of the superior courts of the State and this is a prerogative which, in a proper case, when necessary to promote the expeditious administration of justice, the Supreme Court will not hesitate to exercise. Park Terrace, Inc. v. Phoenix Indemnity Co., 243 N. C. 595, 91 S. E. (2d) 584 (1956); Brice v. Robertson House Moving, Wrecking & Salvage Co., 249 N. C. 74, 105 S. E. (2d) 439 (1958).

And May Determine Sufficiency of Amended Complaint.—The Supreme Court, in the exercise of its supervisory jurisdiction, may determine the sufficiency of an amended complaint, including matters stricken therefrom in the lower court, as though a demurrer ore tenus to the amended complaint in its entirety had been lodged in the Supreme Court, and its ruling that the pleading, thus considered, is insufficient to state a cause of action necessarily includes an affirmance of the order of the lower court sustaining the demurrer ore tenus to the amended complaint exclusive of the portions previously stricken out. Philbrook v. Chapel Hill Housing Authority, 269 N.C. 598, 153 S.E.2d 153 (1967).

And Decide Questions on the Merits.—The Supreme Court, in the exercise of its supervisory jurisdiction, may decide questions on the merits, even though the procedure prescribed by the rules of practice as necessary to present such questions has not been followed. Eastern Steel Products Corp. v. Chestnutt, 252 N. C. 269, 113 S. E. (2d) 587 (1960).

Where the lower court holds the statute attacked by defendant to be unconstitutional, the Supreme Court, in the exercise of its supervisory jurisdiction over the inferior courts, may consider the constitutional questions notwithstanding that defendant failed properly to present them in the lower court, but even so the Supreme Court will ordinarily consider only the specific constitutional questions discussed in the brief. Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963).

In the exercise of the constitutional power vested in the Supreme Court to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts, it overlooked defendant's failure to designate the specific constitutional provisions that he contended chapter 358, 1955 Session Laws, violated, and considered the question, even though the procedure prescribed by the rules of practice as necessary to present such question had not been followed. Rice v. Rigsby, 259 N. C. 506, 131 S. E. (2d) 469 (1963).

Ordinarily, the Supreme Court will not consider questions not properly presented by objections duly made, exceptions duly entered, and assignments of error properly set out, though it may do so in exceptional circumstances in the exercise of its supervisory and controlling jurisdiction over the proceedings of the other courts vested in it by this section. State v. Hewett, 270 N.C. 348, 154 S.E.2d 476 (1967).

And Enforce Its Opinion and Mandate.—When it comes to the attention of the Supreme Court that a lower court has failed to comply with the opinion of the Supreme Court, whether through insubordination, misinterpretation or inattention, the Supreme Court will, in the exercise of its supervisory jurisdiction, ex mero motu if necessary, enforce its opinion and mandate in accordance with the requirements of justice. Collins v. Simms, 257 N. C. 1, 125 S. E. (2d) 298 (1962).

Determination of Matter Where Appeal Premature.—Where an order of the superior court is interlocutory, and an appeal therefrom to the Supreme Court is premature and is subject to dismissal, the Supreme Court in the exercise of its supervisory jurisdiction may nevertheless, in proper instances, determine the matter in order to obviate a wholly unnecessary and circuitous course of procedure. Edwards v. Raleigh, 240 N. C. 137, 81 S. E. (2d) 273 (1954); Kelly v. Piper, 243 N. C. 54, 89 S. E. (2d) 764 (1955).

Correcting Error in Judgment Where Appeal Subject to Dismissal.—Even though an appeal may be subject of dismissal, if the proceeding is in rem and the judgment entered in the court below vitally affects the title to real property, the Supreme Court will take jurisdiction for the purpose of correcting an error in the judgment. This can be done in the exercise of its supervisory power. Ange v. Ange, 235 N. C. 506, 71 S. E. (2d) 19 (1952); Edwards v. Butler, 244 N. C. 205, 92 S. E. (2d) 922 (1956).

Jurisdiction Recommendatory Only. — The original jurisdiction given the Supreme Court to pass upon claims against the State or its subordinate agencies of government, which are not subject to suit or execution under judgment, are recommendatory to the legislature only, as to the matters of law involved upon facts agreed to, or made to appear, and this court does not pass upon conflicting evidence to determine the facts at issue. Dredging Co. v. State, 191 N. C. 243, 131 S. E. 665 (1926); Sale v. State Highway & Public Works Comm., 242 N. C. 612, 89 S. E. (2d) 290 (1955). See also, Rotan v. State, 195 N. C. 291, 141 S. E. 733 (1928).

§ **11. Forms of action; rules of procedure.**—(1) Forms of action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the appellate division. The General Assembly shall have authority to make rules of procedure and practice for the Superior Court and District Court divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court divisions. (Const. 1868; Convention 1875; 1961, c. 313, s. 1.)

§ **12. Waiver of jury trial.**—In all issues of fact joined in any court, the parties in any civil case may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury. (Const. 1868; 1961, c. 313, s. 1.)

Party with Right to Traverse Allegations Cannot Be Deprived of Jury Trial.—A party charged with the maintenance of a public nuisance, as defined by § 19-1, has a right to traverse the factual allegations of the complaint. If he does so, he cannot be deprived of his right to a jury trial on the issues raised by the pleadings. State ex rel. Bowman v. Malloy, 264 N.C. 396, 141 S.E.2d 796 (1965).

Waiver by Consent to Pay Additur. — While it may be suggested that the practice of additur deprives a defendant of his constitutional right to a jury trial, guaranteed by N. C. Const., Art. I, § 19, the obvious answer is that the defendant can waive that right, which he does when he consents to pay the additur, since in this State the parties to a civil action have a right to waive a jury trial. Caudle v. Swanson, 248 N. C. 249, 103 S. E. (2d) 357 (1958).

Findings of Court Are Conclusive. — When the right to a jury trial is waived, the facts found by the judge have the force and effect of a verdict by a jury. Upon appropriate assignments of error the Supreme Court may examine the evidence to ascertain if there be any to support the verdict of a jury. It may likewise, upon appropriate assignments, ascertain if the verdict is sufficient to support the judgment, but it cannot enlarge or diminish findings which constitute the verdict. Cauble v. Bell, 249 N. C. 722, 107 S. E. (2d) 557 (1959).

The Supreme Court has the right to review findings of fact made with respect to interlocutory orders denying or granting injunctive relief. However, where the judgment is a final determination of the rights of the parties, the mere fact that equitable (injunctive) relief is granted gives the Supreme Court no authority to modify findings determinative of issues of fact raised by the pleadings. Cauble v. Bell, 249 N. C. 722, 107 S. E. (2d) 557 (1959).

Applied in State Trust Co. v. M & J Finance Corp., 238 N. C. 478, 78 S. E. (2d) 327 (1953).

Quoted in Better Home Furniture Co. v. Baron, 243 N. C. 502, 91 S. E. (2d) 236 (1956).

§ 13. Administration. — The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this article. (1961, c. 313, s. 1.)

Judge Has No Authority to Affirm Order of Assistant Clerk Which Effectively Determines Issue of Fact.—Where there is nothing in the record to indicate that petitioner and respondent have waived their constitutional and statutory right to have the issue of fact joined on the pleadings tried by a jury, and there is no question of reference, the judge had no authority to enter an order affirming the order of the assistant clerk of the superior court, which in effect was a determination by the judge of the issue of fact raised by the pleadings and a finding by him that money deposited in the office of the clerk of the superior court was funds belonging to a decedent and an order that said money be distributed to the administrator c.t.a. of her last will and testament. In the Matter of Wallace, 267 N.C. 204, 147 S.E.2d 922 (1966).

§ 14. Terms of office and election of justices of the Supreme Court, judges of the Court of Appeals, and judges of the Superior Court.—Justices of the Supreme Court, judges of the Court of Appeals, and regular judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide. (Const. 1868; 1961, c. 313, s. 1; 1965, c. 877.)

Editor's Note.—The amendment to this section adopted by vote of the people at the general election held Nov. 2, 1965, inserted "judges of the Court of Appeals" in the first sentence and "and judges of the Court of Appeals" in the second sentence.

§ 15. Removal of judges and clerks. — (1) Justices of the Supreme Court, judges of the Court of Appeals, and judges of Superior Court. Any justice of the Supreme Court, judge of the Court of Appeals, or judge of the Superior Court may be removed from office for mental or physical incapacity by joint resolution of two thirds of both houses of the General Assembly. Any justice or judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.

(2) District judges and magistrates. The General Assembly shall provide by general law for the removal of district judges and magistrates for misconduct or mental or physical incapacity.

(3) Clerks. Any clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court judge serving the county. Any clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Clerks of District Courts shall be removed for such causes and in such manner as the General Assembly may provide by general law. Any clerk so removed from office shall be entitled to an appeal as provided by law. (Convention 1875; 1961, c. 313, s. 1; 1965, c. 877.)

Editor's Note.—The amendment to this section adopted by vote of the people at the general election held Nov. 2, 1965, made subsection (1) applicable to judges of the Court of Appeals.

For case decided under former provisions, see Reid v. Pilot Mountain Mayor and Board of Com'rs, 241 N. C. 551, 85 S. E. (2d) 872 (1955).

§ **16. Solicitors and solicitorial districts.**—(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each of which a solicitor shall be chosen for a term of four years by the qualified voters thereof, as is prescribed for members of the General Assembly. When the Attorney General determines that there is a serious imbalance in the work loads of the solicitors, or that there is other good cause, he shall recommend redistricting to the General Assembly. The solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court division. Criminal actions in the District Court division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State. (Const. 1868; 1941, c. 261; 1961, c. 313, s. 1.)

§ **17. Vacancies.**—Unless otherwise provided in this article, all vacancies occurring in the offices provided for by this article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than thirty days after such vacancy occurs, when elections shall be held to fill such offices: Provided, that when the unexpired term of any of the offices named in this article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of said offices shall neglect and fail to qualify, such office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified. (Const. 1868; Convention 1875, 1951, c. 1082, 1953, c. 1033, s. 2; 1961, c. 313, s. 1.)

§ **18. Revenues and expenses of the judicial department.**—The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the

General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds. (1961, c. 313, s. 1.)

§ 19. **Fees, salaries and emoluments.**—The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of judges shall not be diminished during their continuance in office. In no case shall the compensation of any judge or magistrate be dependent upon his decision or upon the collection of costs. (Const. 1868; 1961, c. 313, s. 1.)

§ 20. **Effect of uniform general law requirement.**—Where the General Assembly is required by the provisions of this article to enact only general laws uniformly applicable throughout the State or in every county or local court district thereof, no special, public-local, or private law shall be enacted relating to the subject matter of those provisions, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its application and effect throughout the State. (1961, c. 313, s. 1.)

§ 21. **Schedule.**—Immediately upon the certification by the Governor to the Secretary of State of the amendments constituting this article, the Supreme Court and the Superior Courts shall be incorporated within the General Court of Justice, as provided in this article. All justices of the Supreme Court and judges of the Superior Court shall continue to serve as such within the General Court of Justice for the remainder of their respective terms.

The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, in force at the time the amendments constituting this article are ratified by the people, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to section 11(2) of this article.

Upon certification of the Governor to the Secretary of State of the amendments constituting this article, the General Assembly shall proceed, as rapidly as practicable, to provide for the creation of local court districts and the establishment of District Courts therein; District Courts shall be established to serve every county of the State by not later than January 1, 1971. As of January 1, 1971, all previously existing courts inferior to the Superior Court shall cease to exist, and cases pending in these courts shall be transferred as provided in the next succeeding paragraph of this section. Until a District Court has been thus established to serve a county, all of the courts of that county, including the Superior Court, shall continue to be financed and the revenues of these courts shall continue to be paid as they were immediately prior to the certification of the amendments constituting this article; and the laws and rules governing these courts and appeals from the inferior courts to the Superior Court shall continue in force and shall be deemed to comply with the provisions of this article.

As soon as a District Court shall have been established for a county, all of the provisions of this article shall become fully effective with respect to the courts in that county, and all previously existing courts inferior to the Superior Court shall cease to exist. All cases pending in these inferior courts shall be transferred to the appropriate division of the General Court of Justice, and all records of these courts shall be transferred to the appropriate clerk's office pursuant to rule of the Supreme Court. Judges of these inferior courts, except mayors' courts and justice of the peace courts, shall become district judges and shall serve as such for remainders of their respective terms.

As soon as a District Court has been established to serve every county of the State, all the provisions of this article shall become fully effective throughout the State. (1961, c. 313, s. 1.)

Officials Who May Issue Warrants Until District Courts Established. — Only officials authorized to issue warrants by statutes in force on November 6, 1962, may continue to issue warrants until district courts are established in the district. State v. Matthews, 270 N.C. 35, 153 S.E.2d 791 (1967).

Applied in Jenkins v. Winecoff, 267 N.C. 639, 148 S.E.2d 577 (1966).

ARTICLE V

Revenue and Taxation

§ 1. Capitation tax; exemptions.

Taxation for State and County Purposes Limited.—

The Supreme Court, in 1885, held that county commissioners could not exceed the constitutional rate of taxation, even if the excess were necessary to operate the public schools. Whiteville City Administrative Unit v. Columbus County Board of County Com'rs, 251 N. C. 826, 112 S. E. (2d) 539 (1960).

§ 3. State taxation. — The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away. Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly's power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes. The General Assembly may also tax trades, professions, franchises, and incomes: Provided, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to wit: For a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed. (Const. 1868; 1917, c. 119; Ex. Sess. 1920, c. 93; Ex. Sess. 1924, c. 115; 1935, c. 248; 1961, c. 1169, s. 1.)

Cross Reference. — As to statutory changes effective upon the adoption of the amendments to this section and section 5 of this article, see §§ 105-281, 105-294.1, 105-294.2, 105-294.3 and 105-297.

Editor's Note.—

The amendment adopted by vote of the people at the general election held on November 6, 1962, rewrote all of this section except the last sentence and proviso.

For article on property tax classification and exemption, see 37 N. C. Law Rev. 115.

Taxes can be levied only for public purposes.—

In accord with 1st paragraph in original. See Ramsey v. Board of Comm'rs for Cleveland County, 246 N. C. 647, 100 S. E. (2d) 55 (1957).

Meaning of "Public Purpose."—

In accord with 1st paragraph in original. See Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954); Morgan v. Spindale 254 N. C. 304, 118 S. E. (2d) 913 (1961).

Tax Must Be Uniform.—

In accord with 1st paragraph in original. See Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954).

Compliance with Section Satisfies Fourteenth Amendment.—A tax statute which suffices to meet the rule of uniformity required by our Constitution likewise conforms to the requirements of the Fourteenth Amendment of the federal Constitution. Lenoir Finance Co. v. Currie, 254 N. C. 129 118 S. E. (2d) 543 (1961).

Requirement of Uniformity Is Not Restricted to Property Taxes.—Literally, the language used in this section restricts uniformity to taxes on property, but an unbroken line of decisions has construed the rule of uniformity to apply equally to the taxes authorized by that portion of this section reading "The General Assembly may also tax trades, professions, franchises, and incomes." American Equitable Assurance Co. v. Gold, 249 N. C. 461, 106 S. E. (2d) 875 (1959).

Literally the requirement of uniformity is confined to taxes on property, but repeated judicial interpretations extend this requirement to license, franchise, and other forms of taxation. Lenoir Finance Co. v. Currie, 254 N. C. 129, 118 S. E. (2d) 543 (1961).

The power to levy, etc.—

Under this article the power to levy taxes vests exclusively in the legislative branch of the government; and it is within the exclusive power of the General Assembly to provide the method and prescribe the procedure for discovery, listing and assessing property for taxation. DeLoatch v. Beamon, 252 N. C. 754, 114 S. E. (2d) 711 (1960).

Wide Latitude, etc.—

In accord with original. See Lenoir Finance Co. v. Currie, 254 N. C. 129, 118 S. E. (2d) 543 (1961).

The construction, maintenance and operation of a public hospital, etc.—

The expenditure of tax funds for the construction of a general county hospital in accordance with § 131-28.3 is for a public purpose; and a county, when authorized by the General Assembly and with the approval of a majority of the voters, has as much right to issue its bonds to provide hospital facilities for those citizens who are able to pay for the services rendered to them as it does to provide such facilities for the sick and afflicted poor. Rex Hospital v. Wake County Board of Com'rs, 239 N. C. 312, 79 S. E. (2d) 892 (1954).

The levying of taxes for public libraries by the State, counties and municipal corporations is for "a public purpose" under this section. Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954).

Taxes on City Property and on County Property Including Property in City.—The imposition of a tax on county property, including property within a city situate therein, to provide funds for county librar purposes, and the imposition of a ta within the city to provide funds for municipal library purposes, does not violate this section, notwithstanding that a greater burden of taxation will be placed on the taxpayers of the municipality, nor does it constitute double taxation, since one tax will be imposed by the city for municipal purposes and the other by the county for county purposes. Further, double taxation is prohibited by neither the State nor federal Constitutions. Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954).

Session Laws 1957, c. 1420, creating the North Carolina Fireman's Pension Fund, violated this section for lack of uniformity, in that it exempted members of the Farmers' Mutual Fire Insurance Association from adding the tax imposed by the act to their premiums and collecting it from purchasers of their insurance, as other companies selling similar insurance were required to do by the act. American Equitable Assurance Co. v. Gold, 249 N. C. 461, 106 S. E. (2d) 875 (1959); In re North Carolina Rating Bureau, 249 N. C. 466, 106 S. E. (2d) 879 (1959).

Applied in Great American Ins. Co. v. Johnson, 257 N. C. 367, 126 S. E. (2d) 92 (1962); City of Raleigh v. Mercer, 271 N.C. 114, 155 S.E.2d 551 (1967).

Cited in Greensboro v. Wall, 247 N. C. 516, 101 S. E. (2d) 413 (1958); Redevelopment Comm. of Greensboro v. Security Nat. Bank of Greensboro, 252 N. C. 595, 114 S. E. (2d) 688 (1960); Great American Ins. Co. v. Gold, 254 N. C. 168, 118 S. E. (2d) 792 (1961); Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963); United States v. Clayton, 250 F. Supp. 827 (E.D.N.C. 1965).

§ 4. Limitations upon the increase of public debts.

Cross Reference.—As to ballot in municipal bond election, see annotation under Art. VII, § 7.

Constitution gives to people the power to decide whether or not to contract a debt by requiring their duly elected representatives to submit the question to them for their approval before the indebtedness is assumed. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

The provision of N.C. Const., Art. VII, § 6, like the provision of this section imposing a limitation upon the power of the State, counties and municipalities to contract debts without a vote of the people, does not deprive the county of any power to contract a debt. It merely declares who shall have the power of decision. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

Lease of Facility of Ports Authority to Private Corporation.—Lease of facility by Port Authority to a private corporation under the terms of which the corporation would pay during a five year term all costs of operation of facility and rentals sufficient to retire in full revenue bonds issued by the Port Authority did not constitute a loan of the credit of the State or the agency. North Carolina State Ports

Authority v. First-Citizens Bank & Trust Co., 242 N. C. 416, 88 S. E. (2d) 109 (1955).

Turnpike Revenue Bonds. — Since the Turnpike Authority's revenue bonds do not create a debt within the meaning of the Constitution, the limitations of this section are inapplicable. North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

Local bond issue of town of Lake Lure held not to violate this section. Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Constitutionality of Special School Bond Act.—See note to § 115-109.

Cited in Greensboro v. Wall, 247 N. C. 516, 101 S. E. (2d) 413 (1958); Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

§ **5. Property exempt from taxation.**—Property belonging to the State, counties and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding three hundred dollars ($300.00), any personal property. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this section. (Const. 1868; 1872-73, c. 83; 1935, c. 444; 1961, c. 1169, s. 2.)

Cross Reference. — As to statutory changes effective upon the adoption of the amendments to this section and section 3 of this article, see §§ 105-281, 105-294.1, 105-294.2, 105-294.3 and 105-297.

Editor's Note.—

The amendment adopted by vote of the people at the general election held November 6, 1962, changed the first sentence so as to exempt property belonging to counties, rewrote the second sentence and added the fourth and fifth sentences.

Corporation, to Be Exempt, Must Be Subordinate Branch of State or Local Government.—In order to come within the constitutional orbit of tax exemption, a corporation must be an instrumentality, an agent, a department, or an arm of the State in the sense of being at least a subordinate branch of the State government or of a local subdivision thereof and subject to governmental visitation and control, so that ordinarily the interests and franchises pertaining to the corporation are either the exclusive property of the government itself or are under the exclusive control of some agency or political subdivision thereof. Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

Quoted in Petition of Vanderbilt University, 252 N. C. 743, 114 S. E. (2d) 655 (1960).

Cited in Ford v. Security Nat. Bank, 249 N. C. 141, 105 S. E. (2d) 421 (1958); State v. Warren, 252 N. C. 690, 114 S. E. (2d) 660 (1960).

§ 7. Acts levying taxes shall state objects, etc.

Cited in Great American Ins. Co. v. Gold, 254 N. C. 168, 118 S. E. (2d) 792 (1961).

ARTICLE VI

Suffrage and Eligibility to Office

§ 1. Who may vote.

History of Article. — See Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958).

Effect of 1945 Amendment on Indivisibility Clause in Article as Amended in 1902. — Although the 1902 amendment to this article stipulated, in § 5, that its provisions should be indivisible and that the whole of the amendment should stand or fall together, the adoption of the 1945 amendment, predicated upon the 1902 amendment as amended and substituting a new § 1, containing language implicitly recognizing the other sections of this article as then written, had the effect of incorporating and adopting anew the other sections and provisions of this article as they then appeared, freed of the indivisibility clause of the original amendment. Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958) affirmed in 360 U. S. 45, 79 S. Ct. 985 3 L. Ed. (2d) 1072 (1959).

Cited in Bazemore v Bertie County Board of Elections 254 N. C. 398, 119 S. E. (2d) 637 (1961); Watkins v. Wilson, 255 N. C. 510, 121 S. E. (2d) 861 (1961).

§ 2. **Qualifications of voters.**—Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law. The General Assembly may, however, reduce the time of residence, preceding a Presidential Election, for a person possessing all other qualifications of a voter, in which such person shall be entitled to vote for the choice of electors for President and Vice-President of the United States only. Any person eligible to vote for electors for President and Vice-President of the United States by reason of a reduction in time of residence shall not thereby become eligible to hold office in this State. (Convention 1875; 1899, c. 218; 1900, c. 2, s. 2; Ex. Sess. 1920, c. 93; 1953, c. 972; 1961, c. 591.)

Editor's Note.—

The amendment adopted by vote of the people at the general election held November 6, 1962, added the last two sentences.

"Residence" Defined.—

In accord with 1st paragraph in original. See Baker v. Varser, 240 N. C. 260, 82 S. E. (2d) 90 (1954).

Where a voter was in the service of the federal government at Washington, D. C., but continued to pay poll tax and vote in Halifax County, and spent a part of each year at his home in Halifax, his constitutional residence remained unchanged in Halifax. Baker v. Varser, 240 N. C. 260, 82 S. E. (2d) 90 (1954).

Quoted in Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853, affirmed in 360 U. S. 45, 79 S. Ct. 985, 3 L. Ed. (2d) 1072 (1959).

§ 3. **Voters to be registered.**

Quoted in Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853, affirmed in 360 U. S. 45, 79 S. Ct. 985, 3 L. Ed. (2d) 1072 (1959).

§ 4. **Qualification for registration.**

Invalidity of Grandfather Clause Does Not Impair Remainder of Article.—The invalidity of the grandfather clause contained in this section does not impair the remainder of the article, since the 1945 amendment to this article freed it of its indivisibility clause. Under this view this article imposes the same literacy test as that imposed by § 163-28 and neither is linked with the grandfather clause which, though present in print, is separable from the rest and void. Lassiter v. Northampton Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958), affirmed in 360 U. S. 45, 79 S. Ct. 985, 3 L. Ed. (2d) 1072 (1959).

Validity of Statute Providing for Educational Test. — The provision of § 163-28 requiring all persons applying for registration to be able to read and write any section of the Constitution as an educational qualification to the right to vote is authorized by this article, and, since it applies alike to all persons who present themselves for registration to vote, it makes no discrimination based on race, creed or color, and therefore does not conflict with the 14th, 15th or 17th Amendments to the Constitution of the United States. Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958), affirmed in 360 U. S. 45, 79 S. Ct. 985, 3 L. Ed. (2d) 1072 (1959).

Quoted in Lassiter v. Taylor, 152 F. Supp. 295 (1957).

§ 5. Indivisible plan; legislative intent.

Cross Reference.—As to effect of 1945 amendment to § 1 on this section, see notes to Art. VI, §§ 1, 4.

Quoted in Lassiter v. Northampton County Board of Elections, 248 N. C. 102, 102 S. E. (2d) 853 (1958) affirmed in 360 U. S. 45, 79 S. Ct. 985, 3 L. Ed. (2d) 1072 (1959).

§ 6. Elections by people and General Assembly.

Cited in Watkins v. Wilson, 255 N. C. 510, 121 S. E. (2d) 891 (1961).

ARTICLE VII

Municipal Corporations

§ 1. County officers.

This article and Art. VIII give the legislature complete authority to create, control, and dissolve cities, towns, and other public corporations or governmental agencies. State v. Lenoir, 249 N. C. 96, 105 S. E. (2d) 411 (1958).

Cited in In re Annexation Ordinances, 253 N. C. 637, 117 S. E. (2d) 795 (1961).

§ 2. Duty of county commissioners.

The General Assembly etc.—

Unless restricted by another constitutional provision the General Assembly has full power under Art. VII, § 13, to prescribe the power and duty of county commissioners in respect of the levying of taxes and the manner in which property in the county shall be valued for tax purposes. DeLoatch v. Beamon, 252 N. C. 754, 114 S. E. (2d) 711 (1960).

§ 5. Sheriffs. — In each county a sheriff shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold his office for a period of four years. In case of a vacancy existing for any cause in any sheriff's office, the governing authority of the county shall fill such vacancy by appointment for the unexpired term. (Const. 1868; 1937, c. 241; 1961, c. 313, s. 4.)

Editor's Note.—

The constitutional amendment adopted by vote of the people at the general election held November 6, 1962, struck out former § 5, relating to officers of townships, and inserted the above new § 5 in its place. Prior to the amendment a section containing similar provisions as to sheriffs, and in addition providing for coroners and constables, appeared as Art. IV, § 24.

§ 6. No debt or loan except by a majority of voters.—No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose. (Const. 1868; 1947, c. 34; 1961, c. 313, s. 5.)

I. EDITOR'S NOTE.

Prior to the constitutional amendment adopted by vote of the people at the general election held November 6, 1962, the above section was § 7 of Art. VII. The amendment struck out §§ 6, 9 and 10 of this article and renumbered the succeeding sections. Former § 6 derived from the Constitution of 1868 and provided for assessment of property by township boards of trustees and that the clerk should be ex-officio treasurer of the township.

For note entitled "'Necessary Expense' Limitation—Four Recent Developments," see 43 N.C.L. Rev. 372 (1965).

II. GENERAL CONSIDERATION.

Constitution gives people the power to decide whether to contract a debt by requiring their duly elected representatives to submit the question to them for their approval before the indebtedness is assumed. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

The Constitution proceeds upon the theory that if it is, indeed, wise to contract an indebtedness for an unnecessary county or city expense, the people of the county or city will recognize this when the facts are presented to them and will approve the assumption of the obligation and, if they do not approve it, it ought not to be undertaken at their expense even though the county or city commissioners, and the courts as well, deem it wise to do so. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

The provision of this section, like the provision of Art. V, § 4, imposing a limitation upon the power of the State, counties and municipalities to contract debts without a vote of the people, does not deprive the county of any power to contract a debt. It merely declares who shall have the power of decision. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

The Constitution not only forbids the levying and expenditure of a tax for a purpose other than a "necessary expense," it also forbids the contracting of any debt for such purpose without first submitting the matter to a vote of the people. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

Rigid Observance.—The necessity of a rigid observance of this section has been emphasized by § 160-62. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

The term "municipal corporation," etc.— In accord with original. See Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953).

Function Must Be Public.—A municipal corporation cannot, even with express legislative sanction, engage in any private enterprise or assume any function which is not in a legal sense public in nature, the word "private" as used in opinions discussing the powers of a municipality being used to designate proprietary, as distinguished from governmental, functions. Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Authority to Issue Bonds Implies Authority to Levy Taxes for Payment of Bonds.—The exercise by a municipal corporation of the power to pledge its credit is an incipient step in the exercise of the power of taxation, and authority given to a municipality to issue bonds necessarily involves the power to levy taxes for the payment of interest on said bonds and the payment of said bonds at maturity. Wilson v High Point, 238 N. C. 14, 76 S. E (2d) 546 (1953)

When Bonds Issued by City Are Not A "Debt".—Bonds of a city, issued for the purpose of acquiring revenue producing property and which expressly provide that only the revenues produced by such property shall be used for or subject to demand for payment of such bonds, are not a "debt" of the city within the meaning of this section. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

Vote Required Before County or City May Contract a Debt for Airport. — A county or city may not contract a debt or pledge its faith for the construction or operation of an airport without first submitting the question to a vote of the people of such county or city. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

And on Agreement to Contribute Nontax Revenue for Airport. — Even though an agreement between a city and a county and the federal government be construed to obligate the city and county to spend only nontax revenue for the maintenance and operation of an airport, the county and city are without authority to incur such debt without the approval of the voters, since this section prohibits the incurrence of a debt for other than a necessary expense without a vote regardless of whether the future obligation constitutes a charge on funds derived from taxation or otherwise. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

A contract between a county and one of its municipalities to contribute funds for the construction and operation of an airport, without submitting the question to a vote, is invalid, even if the contribution of funds for the construction of the airport is made from nontax revenue, where the contract is indivisible and the pledging of future operating funds is unlimited, and, even if limited to nontax revenue, would be unconstitutional. Yokley v. Clark, 262 N.C. 218, 136 S.E.2d 564 (1964).

Only a single proposition may be placed on the ballot for submission to the voters in a bond election, since the submission of dual propositions would defeat the right of the voters to express their choice. Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954)

Submission of Question of Issuance of County Bonds and City Bonds — In a bond election in a county and a city situate therein, the submission to the voters of the question of the issuance of county bonds in a stipulated sum and city bonds in a stipulated sum for the purpose of providing funds for erecting and equipping public libraries for the city and for the county, and the imposition of a tax within the city for the payment of the city bonds and a tax in the entire county, including the city, for the payment of the county, as a single question, is the submission of but a single proposition so related and united as to form a rounded whole and does not violate this section. Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954).

Local bond issue of town of Lake Lure held not to violate this section. Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Quoted in Ramsey v. Board of Comm'rs for Cleveland County, 246 N. C. 647, 100 S. E. (2d) 55 (1957).

Cited in Greensboro v. Wall, 247 N. C. 516, 101 S. E. (2d) 413 (1958); Eaton v. Board of Managers of James Walker Memorial Hospital, 261 F. (2d) 521 (1958).

III. NECESSARY EXPENSES.

A. General Consideration and Application.

In General.—

In accord with 3rd paragraph in original. See Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

What Are "Necessary Expenses."—

In accord with 3rd paragraph in original. See Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

The term "necessary expense" more especially refers "to the ordinary and usual expenditures reasonably required to enable a county to properly perform its duties as part of the State government." Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

Where the purpose for which a proposed expense is to be incurred by a municipality is the maintenance of public peace or administration of justice, or partakes of a governmental nature, or purports to be an exercise by the municipality of a portion of the State's delegated sovereignty, the expense is a necessary expense within the Constitution, and may be incurred without a vote of the people. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

Necessary expenses involve and include the support of the aged and infirm, the laying out and repair of public highways, the construction of bridges, the maintenance of the public peace, and administration of public justice—expenses to enable the county to carry on the work for which it was organized and given a portion of the State's sovereignty. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

What is a necessary expense within the meaning of this section is for the determination of the Supreme Court, not the General Assembly. DeLoatch v. Beamon, 252 N. C. 754 114 S. E. (2d) 711 (1960); Dennis v. Raleigh, 253 N. C. 400, 116 S. E. (2d) 923 (1960).

What are necessary expenses for a municipal corporation for which it may contract a debt, pledge its faith, or loan its credit and levy a tax without an approving vote of a majority of those who shall vote thereon in an election held for such purpose, is a question for the court. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

The erection and purchase of courthouse and jails, as authorized by § 153-77 (b), is a necessary expense. Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

The erection by a city of a building for the operation of its municipal court and for the housing of its police department, providing space for its city jail and for the performance of other governmental functions, is undoubtedly "a necessary expense" of the city within the meaning of this section. Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

The issuance of bonds by a city to pay the total cost of the erection of a building in the city for the joint use of the city and the county—the city to use the building for its municipal court, its police department and other governmental functions, and the county to use the building for holding terms of the superior court, and for other governmental functions necessary or proper to be performed in the city—is not a necessary expense of the city within the meaning of this section, when the county will be required eventually to purchase the building from the city, according to a contract between them. Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

The expenditure by a municipality of funds for the purpose of advertising the advantages of the city in an effort to secure new industry is not for a necessary municipal expense. Dennis v. Raleigh, 253 N. C. 400 116 S. E. (2d) 923 (1960).

Improvements to be made by a city for street improvements, traffic controls, water and sewer lines and electric distribution lines, except for parks, off-street parking facilities, a pedestrian plaza development, and the donation of land, fall in the class of necessary expenses within the meaning of this section of the Constitution, and the expenses necessary for the construction thereof may be provided for by the levy of ad valorem taxes. Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

Urban Redevelopment Plan. — The expenses incurred, or to be incurred, by a municipality in putting into effect an urban redevelopment plan, pursuant to the authority vested in it by the Urban Redevelopment Law, are not expenses incurred, or to be incurred, by a municipality in the maintenance of public peace or administration of justice, do not partake of a governmental nature, and do not purport to be an exercise by a municipality of a portion of the State's delegated sovereignty, and consequently are not "necessary expenses" within the purview of this section. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

An urban redevelopment plan is not a necessary expense of a municipality within the meaning of this section, and therefore a municipality may be enjoined from spending ad valorem taxes or levying taxes and issuing bonds for an urban redevelopment project until and unless such project is approved by a majority of the qualified voters of such municipality, and any provisions of §§ 160-466 (b) and 160-470 authorizing a municipality to levy taxes and issue bonds for such purpose without a vote are unconstitutional. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

Any provisions of §§ 160-466 (b) and 160-470 to the effect that bonds may be sold and issued by a redevelopment commission for the purpose of carrying out the provisions of an urban redevelopment plan or project under the provisions of the Urban Redevelopment Law, or that any municipality located within the area of such a commission may appropriate funds to a redevelopment commission for the purpose of aiding such a commission in carrying out any of its powers and functions under the Urban Redevelopment Law, and to obtain funds for this purpose, the municipality may levy taxes, and may in the manner prescribed by law issue and sell its bonds, without the approval of a vote of the qualified voters in the municipality, are repugnant to the provisions of this section. Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

An urban redevelopment project is not a necessary municipal expense, but expenditures made in furtherance thereof constitute a public purpose. Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

Improvements within Urban Redevelopment Area.—The fact that a municipality constructs streets, lays water and sewer lines, installs traffic controls and electric facilities within an urban redevelopment area, will not change such construction and installations from a necessary to an unnecessary expense of the municipality. Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

Establishment of Auditoriums, Playgrounds and Recreation Centers.—The acquisition, establishment and operation of an auditorium (G. S. 160-283), and of playground and recreation centers (G. S. 160-155 et seq.), are not "necessary expenses" within the meaning of Art. VII, sec. 7, of the Constitution of North Carolina, for which a municipal corporation may borrow money or levy and collect taxes, without an approving vote of the people, but are public purposes for which a municipal corporation may appropriate available surplus funds not derived from taxes or a pledge of its credit. Greensboro v. Smith, 241 N. C. 363, 85 S. E. (2d) 292 (1955); Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

Parks, playgrounds and recreation centers are not necessary municipal expenses within the meaning of this section of the Constitution; however, funds spent for such projects are for a public purpose. Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

While parks, playgrounds and recreation centers are for a public purpose, taxes may not be levied therefor without a vote of the people. Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

Province of Court.—

What are necessary expenses for a municipal corporation under this section is a question for the court. However, a legislative pronouncement that a proposed expenditure is a necessary expense is entitled to great weight. Wilson v. High Point, 238 N. C. 14, 76 S. E. (2d) 546 (1953).

It is not for the court to determine the wisdom of a decision to contract a debt for a county or a city, but it is the duty of the court to determine whether the proposed indebtedness is for a "necessary expense" within the meaning of this section. Vance County v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

Construction, maintenance and operation of a municipal airport is not a necessary expense within the meaning of this section. Harrelson v. City of Fayetteville, 271 N.C. 87, 155 S.E.2d 749 (1967).

The construction of a public airport is not a "necessary expense." Vance County

v. Royster, 271 N.C. 53, 155 S.E.2d 790 (1967).

The maintenance of a hospital is not a necessary governmental expense for a city. Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

The construction of an annex, etc.— In accord with original. See Palmer v. Haywood County, 212 N. C. 284, 193 S. E. 668 (1937).

For expenses approved as "necessary" within the purview of this section, see Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

For expenses held not "necessary" within the purview of this section, see Horton v. Redevelopment Comm. of High Point, 259 N. C. 605, 131 S. E. (2d) 464 (1963).

§ **7. No money drawn except by law.**—No money shall be drawn from any county or township treasury, except by authority of law. (Const. 1868; 1961, c. 313, s. 5.)

Editor's Note.—Prior to the constitutional amendment adopted by vote of the people at the general election held November 6, 1962, the above section was § 8 of Art. VII. The amendment struck out §§ 6, 9 and 10 of this article and renumbered the succeeding sections. Former § 7 of this article is now § 6.

§ **8. Charters to remain in force until legally changed.**—All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution. (Const. 1868; 1935, c. 248; 1961, c. 313, s. 5.)

Editor's Note.—

Prior to the constitutional amendment adopted by vote of the people at the general election held November 6, 1962, the above section was § 11 of Art. VII, having been so numbered by the amendment proposed in 1935. The 1962 amendment struck out §§ 6, 9 and 10 of this article and renumbered the succeeding sections. Former § 8 is now § 7.

Cited in State v. Wilson, 252 N. C. 640, 114 S. E. (2d) 786 (1960).

§ **9. Debts in aid of the rebellion not to be paid.** — No county, city, town, or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion. (Const. 1868; 1935, c. 248; 1961, c. 313, s. 5.)

Editor's Note.—

Prior to the constitutional amendment adopted by vote of the people at the general election held November 6, 1962, the above section was § 12 of Art. VII, having been so numbered by the amendment proposed in 1935. The 1962 amendment struck out §§ 6, 9 and 10 of this article and renumbered the succeeding sections.

Former § 9 derived from the Constitution of 1868, was renumbered by the amendment proposed in 1935, and provided that officers first elected under the Constitution should enter upon their duties ten days after approval of the Constitution by Congress.

§ **10 Powers of General Assembly over municipal corporations.**— The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections 5, 6, 7, and 9. (Const. 1868; 1935, c. 248; 1961, c. 313, s. 6.)

Editor's Note.—

Prior to the constitutional amendment adopted by vote of the people at the general election held November 6, 1962, the above section was § 13 of Art. VII, having been so numbered by the amendment proposed in 1935. The 1962 amendment struck out §§ 6, 9 and 10 of this article and renumbered the succeeding sections. It also substituted "5, 6, 7, and 9" for "seven, nine and thirteen" at the end of the above section.

Former § 10 of this article derived from the Constitution of 1868, was renumbered by the amendment proposed in 1935 and provided for the appointment of justices of the peace in counties.

Political Function Resting Solely in Legislative Branch of Government. The power to create or establish municipal corporations, to enlarge or diminish their powers, or to dissolve or abolish them altogether, is a political function which rests solely in the legislative branch of the government. Carolina-Virginia Coastal Highway v. Coastal Turnpike Authority, 237 N. C. 52, 74 S. E. (2d) 310 (1953); State v. Mustain, 243 N. C. 564, 91 S. E. (2d) 696 (1956).

Prescribing Duties of County Commissioners as to Taxation.—Unless restricted by another constitutional provision, the General Assembly has full power under this section to prescribe the power and duty of county commissioners in respect of the levying of taxes and the manner in which property in the county shall be valued for tax purposes. DeLoatch v Beamon, 252 N. C. 754, 114 S. E. (2d) 711 (1960).

Quoted in Ramsey v. Board of Comm'rs for Cleveland County, 246 N. C. 647, 100 S. E. (2d) 55 (1957).

Cited in State v. Wilson, 252 N. C. 640, 114 S. E. (2d) 786 (1960).

ARTICLE VIII

Corporations Other than Municipal

§ 1. Corporations under general laws.

Editor's Note.—

For an article on local legislation in the General Assembly discussing this section, see 45 N.C.L. Rev. 340 (1967).

This article and Art. VII give the legislature complete authority to create, control, and dissolve cities, towns, and other public corporations or governmental agencies. State v. Lenoir, 249 N. C. 96, 105 S. E. (2d) 411 (1958).

Applicable to Private Corporation.—

In accord with 1st paragraph in original. See In re Annexation Ordinances, 253 N. C. 637, 117 S. E. (2d) 795 (1961).

Cited in State v. Wilson, 252 N. C. 640, 114 S. E. (2d) 786 (1960); North Carolina Turnpike Authority v. Pine Island, Inc., 265 N.C. 109, 143 S.E.2d 319 (1965).

§ 4. Legislature to provide for organizing cities, towns, etc.

Editor's Note.—

For an article on local legislation in the General Assembly discussing this section, see 45 N.C.L. Rev. 340 (1967).

Alteration of Charter Not Forbidden. —

In accord with original. See Candler v. Asheville, 247 N. C. 398, 101 S. E. (2d) 470 (1958).

Section Does Not Prohibit Local Acts.—This section contains no prohibition on the exercise of legislative power, and has in it no declaration that private, local, or special acts shall not be passed relating to the organization of cities and towns. and conferring particular powers, and this omission, when considered in connection with the history of the recent amendments to the Constitution, is fatal to the claim that local or special acts may not be legally enacted, conferring special authority on municipal corporations. In re Annexation Ordinances 253 N. C. 637 117 S E. (2d) 795 (1961)

Quoted in State v. Mustain, 243 N. C. 564, 91 S. E. (2d) 696 (1956).

ARTICLE IX

Education

§ 1. Education shall be encouraged.

Quoted in Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954); State v. Williams, 253 N. C. 337, 117 S. E. (2d) 444 (1960).

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S E. (2d) 163 (1956); In re Annexation Ordinances, 253 N C. 637, 117 S. E. (2d) 795 (1961); Seibold v. Kinston-Lenoir County Pub. Library, 264 N.C. 360, 141 S E.2d 519 (1965). Johnson v. Branch, 242 F. Supp. 721 (E.D.N.C. 1965).

§ 2. General Assembly shall provide for schools; separation of the races.

Duty on Legislature.—

In accord with 4th paragraph in original. See Constantian v. Anson County, 244 N. C. 221, 93 S. E (2d) 163 (1956).

Racial Discrimination.—

Bond issue for nine school projects did not discriminate against the white race in violation of this section where two projects were earmarked for facilities suitable for colored school children, since it was contemplated that some or all of remaining projects were for white children only. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

Effect of Decision of United States Supreme Court Declaring Segregation of Races Unconstitutional.—The validity of that part of the North Carolina Constitution requiring separate schools for the two races is no longer the subject of legal controversy. The decision of the Supreme Court of the United States in Brown v. Board of Education, 347 U. S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954), and 349 U. S. 294, 75 S. Ct. 753, 99 L. Ed. 1083 (1955), decided that segregation of the races was prohibited by the 14th Amendment of the U. S. Constitution in respect to the lower public schools, but the reasoning on which the decision was based is equally applicable to schools for higher learning. Covington v. Montgomery County School Board, 139 F. Supp. 161 (1956).

The provision of this section which provides that "the children of the white race and the children of the colored race shall be taught in separate public schools" was invalidated on May 17, 1954, when the Supreme Court of the United States handed down its decision in Brown v. Board of Educ., 347 U.S. 483, 74 Sup. Ct. 686, 98 L. Ed. 873, 38 A.L.R.2d 1180 (1954). Dilday v. Beaufort County Bd. of Educ., 267 N.C. 438, 148 S.E.2d 513, 149 S.E.2d 345 (1966).

Only that portion of the 1875 amendment which purports to make mandatory the enforced separation of the races in the public schools is now held violative of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States. Otherwise, the mandates of this section and § 3 of this article remain in full force and effect. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

A bond order and election for issuance of county bonds for various school projects at a time when it was contemplated that children of the white and colored races would be taught in separate schools did not become invalid by the decision of the United States Supreme Court declaring segregation unconstitutional. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

Quoted in Bazemore v. Bertie County Board of Elections, 254 N. C. 398, 119 S. E. (2d) 637 (1961).

Stated in Frasier v. Board of Trustees, 134 F. Supp. 589 (1955); Whiteville City Administrative Unit v. Columbus County Board of County Com'rs, 251 N. C. 826, 112 S. E. (2d) 539 (1960).

Cited in Covington v. Edwards, 165 F. Supp. 957 (1958).

§ 3. Counties to be divided into districts.

Cross Reference.—See annotation to § 2 of this article.

The term "school district" in N.C. Const., Art. II, § 29, means a "district" provided for in this section. That is, a "school district" is an area within a county in which one or more public schools must be maintained. It is so defined in § 115-7. Hobbs v. County of Moore, 267 N.C. 665, 149 S.E.2d 1 (1966).

Counties May Be Directed to Provide Funds.—

This section contains a mandate that the board of commissioners of each county in the State provide the funds for the buildings and equipment necessary for the maintenance and operation of schools within the county for the constitutional term. Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

Stated in Whiteville City Administrative Unit v. Columbus County Board of County Com'rs, 251 N. C. 826, 112 S. E. (2d) 539 (1960).

Cited in Peacock v. County of Scotland, 262 N.C. 199, 136 S.E.2d 612 (1964).

§ 4. What property devoted to educational purposes.

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

§ 5. County school fund; proviso.

In General.—

Penalties, forfeitures and fines are, by this section, to be used for the support of the public schools. McMillan v. Robeson County, 262 N.C. 413, 137 S.E.2d 105 (1964).

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

§ 6. Election of trustees, and provisions for maintenance, of the University.

Section Is Repeated in Code.—The General Assembly repeated this constitutional provision ipsissimis verbis in § 116-1. In re Carter, 262 N.C. 360, 137 S.E.2d 150 (1964).

Power to Make Rules.—Under the Constitution and statutes of this State, the management of the University of North Carolina is delegated to and invested in the board of trustees, and the board of trustees may make all necessary and proper and reasonable rules and regulations for the orderly management and government of the University of North Carolina and for the preservation of discipline of its students. In re Carter, 262 N.C. 360, 137 S.E.2d 150 (1964).

Resolution of Trustees Relative to Admission of Negroes.—A resolution of the board of trustees of the University of North Carolina declaring the policy of the Board that applications of negroes to the undergraduate schools of the University be not accepted violated the equal protection clause of the 14th Amendment to the U. S. Constitution. Frasier v. Board of Trustees, 134 F. Supp. 589 (1955), aff'd in 350 U. S. 979, 76 S. Ct. 467, 100 L. Ed. 848.

§ 7. Benefits of the University.

Applied in McMillan v. Robeson County, 262 N.C. 413, 137 S.E.2d 105 (1964).

Cited in Cutler v. Winfield, 241 N. C. 555, 85 S. E. (2d) 913 (1955).

§ 8. State Board of Education.

Cited in Sweatt v. Rutherford County Board of Education, 237 N. C. 653, 75 S. E. (2d) 738 (1953); Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

§ 9. Powers and duties of the Board.

Regulation of Private Schools. — The State has the power and authority to establish minimum standards for, and to regulate in a reasonable manner, private schools giving instruction to children of compulsory school age. This is necessarily true because such schools affect the public school system. In this connection it has authority, among others, to inspect, supervise, and examine them, their teachers, and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught that is manifestly inimical to the public welfare. State v. Williams, 253 N. C. 337, 117 S. E. (2d) 444 (1960).

The constitutional authority of the State Board of Education to make regulations for and supervise and administer schools is confined to public schools and activities substantially affecting public schools and the public school system. It may have and exert only such authority in the supervision and control of private schools and their agents and representatives as is conferred by the General Assembly in the proper exercise of the police power of the State. State v. Williams, 253 N. C. 337, 117 S. E. (2d) 444 (1960).

Must Not Be Arbitrary.—While the legislature, under the police power, may regulate education in many respects in private schools, the exercise of such power of regulation must not be arbitrary, and must be limited to the preservation of the public safety, the public health, or the public morals. State v. Williams, 253 N. C. 337, 117 S.E. (2d) 444 (1960).

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

§ 10. Agricultural department.

Cited in Parmele v. Eaton, 240 N. C. 539, 83 S. E. (2d) 93 (1954).

§ 11. Children must attend school.

Cited in Constantian v. Anson County, 244 N. C. 221, 93 S. E. (2d) 163 (1956).

§ 12. Education expense grants and local option.—Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parents, or the person having control of such child, to a public school attended by a child of another race. A grant shall be available only for education in a nonsectarian school and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

No action taken pursuant to the authority of this section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created. (1956, Ex. Sess., c. 1.)

Editor's Note.—This section was adopted by vote of the people at the general election held September 8, 1956.

For article on North Carolina school legislation, 1956, see 35 N. C. Law Rev. 1.

ARTICLE X

Homesteads and Exemptions

§ 1. Exemptions of personal property.

The constitutional exemption can be claimed only at the moment of levy. New Amsterdam Cas. Co. v. Waller, 323 F.2d 20 (4th Cir. 1963).

Until there has been a levy on personal property no occasion for application of the constitutional exemption arises. New Amsterdam Cas. Co. v. Waller, 301 F. (2d) 839 (1962).

And Does Not Frustrate Laws Relating to Fraudulent Conveyances.—The constitutional exemption is not a sword for the frustration of the laws relating to fraudulent conveyances. New Amsterdam Cas. Co. v. Waller, 323 F.2d 20 (4th Cir. 1963).

Debtor Entitled To Exemption, etc.—The five hundred dollar personal property exemption guaranteed by this section must be allotted from time to time as often as the judgment debtor might be pressed with execution, the policy being to enable him not only to have the exemptions allotted to him once, but to keep them about him all the time, for the comfort and support of himself and family. New Amsterdam Cas. Co. v. Waller, 196 F. Supp. 780 (1961), reversed and remanded on other grounds 301 F. (2d) 839 (1962).

And To Hold Exempt Successive Payments Each Less Than Constitutional Amount. — The constitutional exemption has no application to accumulated funds of a judgment debtor, even though accumulated by a series of payments, each less than the five hundred dollar constitutional exemption. New Amsterdam Cas. Co. v. Waller, 196 F. Supp. 780 (1961), reversed and remanded on other grounds 301 F. (2d) 839 (1962).

But Exempt Funds on Hand May Not Exceed Such Amount.—A judgment debtor may claim his exemption as against successive executions but may not have exempt funds in his possession at any one time in excess of his exemption. Stated another way, a judgment debtor is privileged to make successive claims for his exemption, but may not hold free from execution at any one time an amount in excess of his exemption. New Amsterdam Cas. Co. v. Waller, 196 F. Supp. 780 (1961), reversed and remanded on other grounds 301 F. (2d) 839 (1962).

§ 2. Homestead.

Cited in Ford v. Security Nat. Bank, 249 N.C. 141, 105 S. E. (2d) 421 (1958); Walker v. City of Charlotte, 262 N.C. 697, 138 S.E.2d 501 (1964).

§ 5. Benefit of widow.

Applied in Elledge v. Welch, 238 N. C. 61, 76 S. E. (2d) 340 (1953).

§ 6. Property of married women secured to them; powers of attorney.—The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband. (Const. 1868; 1955, c. 1245; 1963, c. 1209, s. 1.)

Editor's Note.—

The amendment of this section, adopted by vote at the general election held September 8, 1956, added the second sentence.

The amendment adopted by vote of the people at an election held January 14, 1964, substituted "and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe" for "and, with the written assent of her husband, conveyed by her as if she were unmarried" at the end of the first sentence and deleted "by her or" following "owned" in the last sentence.

For note on constitutionality of husband's right to dissent from wife's will, see 41 N. C. Law Rev. 311.

History of Section. — See Perry v. Stancil, 237 N. C. 442, 75 S. E. (2d) 512 (1953).

Common-Law Rule Changed.—

This section completely abolished the general doctrine of the common law that as to property husband and wife are in legal contemplation but one person, and the husband is that one, and made very material and far-reaching changes as to the rights respectively of husband and wife in respect to her property, both real and personal and enlarged her power in respect to and control over her property. Dudley v. Staton, 257 N. C. 572, 126 S. E. (2d) 590 (1962), commented on in 41 N. C. Law Rev. 311.

Purpose of Session Laws 1963, Chapter 1209.—Session Laws 1963, c. 1209 was enacted to abrogate the effect of the decision in Dudley v. Staton, 257 N.C. 572, 126 S.E.2d 590 (1962) and to make the rights of husbands and wives the same in each other's separate property. Fullam v. Brock, 271 N.C. 145, 155 S.E.2d 737 (1967).

Former Requirement of Husband's Assent Only Applied to Wife's Conveyance to Third Party.—See Perry v. Stancil, 237 N.C. 442, 75 S.E.2d 512 (1953); Dudley v. Staton, 257 N.C. 572, 126 S.E.2d 590 (1962), commented on in 41 N.C.L. Rev. 311 (1963).

Legislative Power to Declare, etc.—

In accord with original. See Dudley v. Staton, 257 N. C. 572, 126 S. E. (2d) 590 (1962), commented on in 41 N. C. Law Rev. 311.

Statutes Allowing Husband to Dissent from Wife's Will Violated Section Prior to 1964 Amendment.—See Dudley v. Staton, 257 N.C. 572, 126 S.E.2d 590 (1962), commented on in 41 N.C.L. Rev. 311 (1963); Fullam v. Brock, 271 N.C. 145, 155 S.E.2d 737 (1967).

But Amendment Restored Husband's Right to Dissent.—The effect of the adoption by the voters of the 1964 amendment to this section was to restore, subject to the qualifications set forth in Session Laws 1963, c. 1209, the right of the husband to dissent from the will of his wife. Fullam v. Brock, 271 N.C. 145, 155 S.E.2d 737 (1967).

And Dissent Could Be Based on Anticipatory Legislation Prior to Amendment.—Where, at the time of his wife's death in 1965, the amendment to this section authorizing the legislature to empower a husband to dissent from his wife's will had been certified but the legislation reenacting §§ 30-1, 30-2, and 30-3 had not become effective, the husband had a right to dissent from his wife's will based on anticipatory provisions of Session Laws 1963, c. 1209, which directed the submission of the constitutional amendment, and which provided that the word "spouse" should apply to both husband and wife in certain statutes. Fullam v. Brock, 271 N.C. 145, 155 S.E.2d 737 (1967).

May Bar Husband's Curtesy, etc.—

In Tiddy v. Graves, 126 N. C. 620, 36 S. E. 127, 127 N. C. 502, 37 S. E. 513 (1900), the Supreme Court held, inter alia, that "it is clear that under the present

Constitution there is no curtesy after the death of the wife in property which she has devised." Dudley v. Staton, 257 N. C. 572, 126 S. E. (2d) 590 (1962), commented on in 41 N. C. Law Rev. 311.

Tenancy by Curtesy Initiate Abolished.—In Walker v. Long, 109 N. C. 510, 14 S. E. 299 (1890), the Supreme Court held, inter alia, that the common-law estate of the husband as tenant by the curtesy initiate in the lands of his wife was abolished by this section. Dudley v. Staton, 257 N. C. 572, 126 S. E. (2d) 590 (1962), commented on in 41 N. C. Law Rev. 311.

Marriage Does Not Sever Unity of Title and Possession under Joint Tenancy.—Where a deed of bargain and sale conveys a joint tenancy in the grantees with right of survivorship, the subsequent marriage of one of the grantees does not sever the unity of title and possession. Vettori v. Fay, 262 N.C. 481, 137 S.E.2d 810 (1964).

Trust for sole use and benefit of married woman held passive, in view of this section. Pilkington v. West, 246 N. C. 575, 99 S. E. (2d) 798 (1957).

Cited in Bowling v. Bowling, 252 N. C. 527, 114 S. E. (2d) 228 (1960); In re Estate of Perry, 256 N. C. 65, 123 S. E. (2d) 99 (1961); First Union Nat. Bank of North Carolina v. Melvin, 259 N. C. 255, 130 S. E. (2d) 387 (1963).

§ 7. Husband may insure his life for the benefit of wife and children.

Life Policy of Bankrupt Is Protected from Creditors If Wives and Children Are Sole Beneficiaries.—Wives and children of bankrupts are protected from claims of the bankrupt's creditors, both during his life and at his death, if life policies are for their sole benefit. In re Wolfe, 249 F. Supp. 784 (M.D.N.C. 1966), commented on in 45 N.C.L. Rev. 696 (1967).

But Not If Bankrupt Retained Power to Change Beneficiaries. — Trustees in bankruptcy are entitled to the cash surrender value of life policies under which the bankrupt has the power to change beneficiaries. In re Wolfe, 249 F. Supp. 784 (M.D.N.C. 1966), commented on in 45 N.C.L. Rev. 696 (1967).

Where the insured bankrupt retained the right to change the beneficiary in policies of insurance, the cash surrender values of said policies were not exempt property under the Constitution and statutes of North Carolina, and the trustee in bankruptcy was vested with the title to said policies. In re Wolfe, 249 F. Supp. 784 (M.D.N.C. 1966), commented on in 45 N.C.L. Rev. 696 (1967).

§ 8. How deed for homestead may be made.

Editor's Note.—

For a review of the decisions prior and subsequent to the enactment, in 1905, of what is now § 1-370, see Stokes v. Smith, 246 N. C. 694, 100 S. E. (2d) 85 (1957).

Cited in Ford v. Security Nat. Bank, 249 N. C. 141, 105 S. E. (2d) 421 (1958).

ARTICLE XI

Punishments, Penal Institutions, and Public Charities

§ 1. Punishments; convict labor; proviso.

Article Confers Plenary Authority on General Assembly.—Under the provisions of this article the General Assembly has plenary authority to provide for a State prison system. Pharr v Garibaldi, 252 N. C. 803 115 S E. (2d) 18 (1960)

The courts may impose only such punishments as are authorized by this section. State v Cole, 241 N C. 576, 86 S E. (2d) 203 (1955)

The Constitution forbids both ignominious burial and forfeiture of estates as punishment for crime. State v. Willis, 255 N. C. 473, 121 S. E. (2d) 854 (1961).

Thus, suicide may not be punished in North Carolina. State v. Willis, 255 N. C. 473, 121 S. E. (2d) 354 (1961).

But the criminal character of the act of suicide is not changed. State v. Willis, 255 N. C. 473, 121 S. E. (2d) 854 (1961).

The Constitution and statutes have repealed and abrogated the common law as to suicide only as to punishment and possibly the quality of the offense. State v. Willis, 255 N. C. 473, 121 S. E. (2d) 854 (1961).

And an attempt to commit suicide is an indictable misdemeanor in this State. State v. Willis, 255 N. C. 473, 121 S. E. (2d) 854 (1961).

Work release program as authorized by § 148-33.1 does not come within the purview and meaning and intent of the words "farming out" as set forth in this section. Advisory Opinion In re Work Release Statute, 268 N.C. 727, 152 S.E.2d 225 (1966).

§ 3. Penitentiary.

Quoted in State v. Cagle, 241 N. C. 134, 84 S. E. (2d) 649 (1954).

Cited in State v. Floyd, 246 N. C. 434, 98 S. E. (2d) 478 (1957).

§ 4. Houses of correction.

Rehabilitation a Proper Function of Prison Administration.—This section and § 5 expressly recognize that rehabilitation of a prisoner as well as punishment for past criminal conduct, is a proper function of prison administration. Pharr v. Garibaldi, 252 N. C. 803, 115 S. E. (2d) 18 (1960).

§ 5. Houses of refuge.

Rehabilitation a Proper Function of Prison Administration.—See same catchline under § 4 of this article.

§ 7. Provision for the poor and orphans.

Erection of County Home — Issuing Bonds.—

Under this section a county may build a county home for the poor as a necessary expense without the approval of the voters. Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

Care of Indigent Sick, etc.—

The obligation to pay the cost of medical care of the indigent sick and afflicted poor rests, under this section, upon the State. Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

The General Assembly may by statute delegate a portion of its sovereignty to the governing body of any town or city or county, separately or jointly, who, when they deem it for the best interest of the town or city or county, can contract with hospitals for the medical treatment and hospitalization of the sick and afflicted poor of the town or city or county within their territorial limits. The General Assembly has enacted such a law for towns and counties, § 160-229, and a similar law for counties, § 153-152. Board of Managers of James Walker Memorial Hospital v. Wilmington, 237 N. C. 179, 74 S. E. (2d) 749 (1953).

Cited in Eaton v. Board of Managers of James Walker Memorial Hospital, 261 F. (2d) 521 (1958).

ARTICLE XII

Militia

§ 2. Organizing, etc.

Stated in Morgan v Spindale, 254 N. C. 804, 118 S. E. (2d) 913 (1961).

ARTICLE XIII

Amendments

§ 2. How the Constitution may be altered.

Date of Election.—The General Assembly at a special session in July, 1956 could provide for the holding prior to November, 1956 of a State-wide election for the ratification or rejection of constitutional amendments. See Advisory Opinion in re General Election, 244 N. C. 748.

ARTICLE XIV

Miscellaneous

§ 3. Drawing money.

Legislative Authority Required.—

In accord with second paragraph in original. See State v. Davis, 270 N.C. 1, 153 S.E.2d 749 (1967).

This section states in language no man can misunderstand that the legislative power is supreme over the public purse. State v. Davis, 270 N.C. 1, 153 S.E.2d 749 (1967).

§ 4. Mechanic's lien.

This section is a mandate directing the General Assembly to enact legislation to give mechanics and laborers a lien on the subject matter of their labor. American Bridge Division, United States Steel Corp. v. Brinkley, 255 N C. 162 120 S. E. (2d) 529 (1961).

Liens on Public Construction Prohibited.—Public policy prohibits the acquisition of liens for labor or materials used or furnished in the construction of a public edifice or way American Bridge Division, United States Steel Corp. v. Brinkley, 255 N C. 162 120 S. E. (2d) 529 (1961).

§ 6. Seat of government.—The permanent seat of government in this State shall be at the city of Raleigh. (Const. 1868; 1961, c. 466, s. 6.)

Editor's Note.—The amendment adopted by vote of the people at the general election held November 6, 1962, inserted the word "permanent" and substituted "be" for "remain."

§ 7. Dual office-holding.—No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes. (Const. 1868; 1872-73, c. 88; 1943, c. 432; 1961, c. 313, s. 7.)

Editor's Note.—

The amendment adopted by vote of the people at the general election held November 6, 1962, deleted "justices of the peace" following "notaries public" in the proviso.

Police Officer Acting as Justice of Peace. — A justice of the peace, who is also an officer on the police force of a town, may lawfully as justice of the peace, take the oath of another police officer to an affidavit on which a criminal warrant is to be issued, and then as a justice of the peace may lawfully issue a warrant thereon, addressed to the chief of police or any other lawful officer of the town or county, returnable for trial before the judge of the recorder's court of the town, who tries the case State v. McHone, 243 N C. 231, 90 S. E. (2d) 536 (1955); decided prior to the 1962 constitutional amendment.

Applied in Hobbs v. County of Moore, 267 N.C. 665, 149 S.E.2d 1 (1966)

Cited in State ex rel. Pitts v. Williams, 260 N.C. 168, 132 S.E.2d 329 (1963).

Constitution of the United States

AMENDMENTS

Amendment XXIII.

§ **1.** The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

§ **2.** The Congress shall have power to enforce this article by appropriate legislation.

The Twenty-third Amendment was certified by the Administrator of General Services on April 3, 1961, to have been ratified by three fourths of the whole number of states and to have become valid as a part of the Constitution of the United States.

Amendment XXIV.

§ **1.** The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

§ **2.** The Congress shall have power to enforce this article by appropriate legislation.

The Twenty-fourth Amendment was certified by the Administrator of General Services on February 4, 1964, to have been ratified by three fourths of the whole number of states and to have become valid as a part of the Constitution of the United States.

Amendment XXV.

§ **1.** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

§ **2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

§ **3.** Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

§ **4.** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

The Twenty-fifth Amendment was certified by the Administrator of General Services on February 23, 1967, to have been ratified by three fourths of the whole number of states and to have become valid as a part of the Constitution of the United States.

I. Rules of Practice in the Supreme Court, Court of Appeals and Superior Courts of North Carolina

(1) RULES OF PRACTICE IN THE SUPREME COURT OF NORTH CAROLINA

Rule
4(a). Appeals — Order Overruling Demurrer or Striking or Refusing to Strike Allegations in Pleadings.

Rule
41. [Repealed.]

4. Appeals—How Docketed

The rules of the Supreme Court, etc.— In accord with original. See Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962).

The rules of practice in the Supreme Court are mandatory and will be enforced. Williams v. Boulerice, 269 N.C. 499, 153 S.E.2d 95 (1967).

An order overruling a demurrer for failure to state a cause of action is subject to immediate review only by writ of certiorari. Charles H. Jenkins & Co., Inc. v. Lewis, 259 N. C. 85, 130 S. E. (2d) 49 (1963).

Cited in Galloway v. Lawrence, 263 N.C. 433, 139 S.E.2d 761 (1965).

4(a). Appeals—Order Overruling Demurrer or Striking or Refusing to Strike Allegations in Pleadings

From and after the first day of the Spring Term of 1956, this Court will not entertain an appeal:

(1) From an order overruling a demurrer except when the demurrer is interposed as a matter of right for misjoinder of parties and causes of action. The movant may enter an exception to the order overruling the demurrer and present the question thus raised to this Court on the final appeal; provided that when the demurrant conceives that the order overruling his demurrer will prejudicially affect a substantial right to which he is entitled unless the ruling of the court is reviewed on appeal prior to the trial of the cause on its merits, he may petition this Court for a writ of certiorari within thirty days from the date of the entry of the order overruling the demurrer.

(2) From an order striking or denying a motion to strike allegations contained in pleadings. When a party conceives that such order will be prejudicial to him on the final hearing of said cause, he may petition this Court for a writ of certiorari within thirty days from the date of the entry of the order.

Editor's Note. — This rule was adopted October 19, 1955.

Effective Date of Rule.—An attempted appeal from an order entered on motion to strike allegations from a pleading will be treated as a petition for writ of certiorari when, and only when, the order appealed from was entered prior to January 1, 1956. This rule will be strictly enforced in respect to orders entered after that date. Bogue v. Arnold, 243 N. C. 622, 91 S. E. (2d) 670 (1956)

Review of Order Overruling Demurrer for Failure to State Cause of Action. — Prior to trial on the merits, an order overruling a demurrer for failure to state a cause of action can be reviewed only by writ of certiorari. Boles v. Graham, 249 N. C. 131, 105 S. E. (2d) 296 (1958).

Review of Order Striking Allegations. —An order striking allegations contained in a pleading is not appealable and may be reviewed prior to trial only by certiorari. Williams v. Denning, 260 N.C. 539, 133 S.E.2d 150 (1963).

An order striking allegations from the

complaint is not immediately reviewable except by certiorari. Williams v. Denning, 260 N.C. 540, 133 S.E.2d 148 (1963).

The allowance of a motion to strike portions of the complaint is not immediately appealable but may be reviewed only by certiorari. Such motion does not admit the truth of the allegation sought to be stricken for the purpose of a hearing on the motion to strike or otherwise. The allowance of a motion to strike is appealable only when it is to strike a cause of action, a plea in bar, or a defense in its entirety, amounting to a demurrer or the granting of a plea in bar. Cecil v. High Point, T. & D.R.R., 266 N.C. 728, 147 S.E.2d 223 (1966).

Order denying defendant's motion to strike designated allegations in the complaint is not appealable. Prewitt v. Dover, 269 N.C. 687, 153 S.E.2d 382 (1967).

Order denying plaintiff's motion to strike designated portions of the answer is not appealable. Prewitt v. Dover, 269 N.C. 687, 153 S.E.2d 382 (1967).

Plaintiff was not entitled to an immediate appeal as a matter of right from an order striking only one of several alleged specifications of negligence from the complaint but was entitled to immediate review only upon allowance of a petition for writ of certiorari. Sharpe v. Pugh, 270 N.C. 598, 155 S.E.2d 108 (1967).

Rule Does Not Apply to Overruling of Demurrer for Misjoinder. — When a demurrer is overruled on the ground of a misjoinder of parties and causes this rule does not apply. Hall v. DeWeld Mica Corp., 244 N. C. 182, 93 S. E. (2d) 56 (1956).

Order overruling demurrer for misjoinder of parties alone is not immediately appealable but may be reviewed only by certiorari. Miller v. Jones, 268 N.C. 568, 151 S.E.2d 23 (1966).

The mere fact that the demurrer is entitled, "Demurrer for Misjoinder of Parties and Causes," and contains an assertion that there is a misjoinder of parties and causes of action, when, in fact, the assertion is without substance, is insufficient basis for an appeal as a matter of right from an order overruling such demurrer. Prewitt v. Dover, 269 N.C. 687, 153 S.E.2d 382 (1967).

Nor Does It Apply to Order Sustaining Demurrer.—An order or judgment which sustains a demurrer to a plea in bar affects a substantial right and a defendant may appeal therefrom This rule, when otherwise applicable, limits the right of immediate appeal only in instances where a demurrer is overruled. Mercer v. Hilliard, 249 N. C. 725, 107 S. E. (2d) 554 (1959); Hardin v. American Mut. Fire Ins. Co., 261 N.C. 67, 134 S.E.2d 142 (1964); Quick v. High Point Memorial Hosp., Inc., 269 N.C. 450, 152 S.E.2d 527 (1967).

This rule has no application when the order striking a portion of the pleading is in effect a demurrer denying the pleader a right to recover for failure to state facts sufficient to constitute a cause of action. Such an order comes within the provisions of § 1-277, and the party adversely affected may appeal. Etheridge v. Carolina Power & Light Co., 249 N. C. 367, 106 S. E. (2d) 560 (1959).

In allowing plaintiffs' motion to strike paragraphs of the answer, the court in effect sustained a demurrer to each of defendant's further defenses, hence, this rule does not apply. Jewell v. Price, 259 N. C. 345, 130 S. E. (2d) 668 (1963).

In a proceeding by a housing authority to condemn land, a motion of the housing authority to strike in their entirety allegations in the answer setting up a plea in bar that the housing authority acted capriciously or arbitrarily in selecting the land for the site of the housing project, was in effect a demurrer to the plea in bar, an order allowing the motion is appealable, and this rule was not applicable. Housing Authority of City of Wilson v. Wooten, 257 N. C. 358, 126 S. E. (2d) 101 (1962).

Prejudice to Pleader.—The defendant is authorized to file a petition for a writ of certiorari pursuant to the provisions of the rule, if the order overruling its demurrer, in its opinion, will prejudicially affect a substantial right to which it is entitled unless the ruling of the court is reviewed on appeal prior to the trial of the cause on its merits. Winston-Salem v. Winston-Salem City Coach Lines, Inc., 245 N. C. 179, 95 S. E. (2d) 510 (1956)

When Rules for Appeal Are Applicable to Certiorari.—It should be clearly understood that the rules applicable to an appeal apply to a review upon certiorari where such review permitted under this section. is in effect an appeal Eastern Steel Products Corp. v. Chestnutt 252 N C. 269. 113 S E. (2d) 587 (1960)

What Certiorari Brings Up for Review.—Certiorari granted under this rule brings to the Supreme Court for immediate review only the petitioner's exceptions to rulings made by the court below Harrell v. Powell, 249 N. C. 244, 106 S. E. (2d) 160 (1958).

Effect of Noncompliance with Rule 19 (3). — The record as filed pursuant to the terms of the writ of certiorari allowed will be treated as an exception to the order or orders which petitioner seeks to have reviewed, and even though the exceptions relied on are not grouped and separately numbered as required by Rule 19 (3), the appeal will not be dismissed, but nothing is presented for decision on such record except the question whether the pleadings and admitted facts on which the trial court ruled support the orders entered, and whether any error of law appears on the face of the record. Clark v. Pilot Freight Carriers, Inc., 247 N. C. 705, 102 S. E. (2d) 252 (1958).

Time for Answering or Petitioning for Certiorari.—A defendant has thirty days after order overrulng his demurrer in which to file answer or petition the Supreme Court for certiorari. Wheeler v. Thabit, 261 N.C. 479, 135 S.E.2d 10 (1964).

Applied in C. R. Wilks, Inc. v. Dillingham, 244 N. C. 522, 94 S. E. (2d) 495 (1956); Clements v. Simmons, 244 N. C. 523, 94 S. E. (2d) 480 (1956); Willcox v. Di Capadarso, 244 N. C. 741, 94 S. E. (2d) 925 (1956); Lowry v. Dillingham, 246 N. C. 618, 99 S. E. (2d) 771 (1957); Nixon v. Liberty Mutual Ins. Co., 255 N. C. 106, 120 S. E. (2d) 430 (1961); Durham Bank & Trust Co. v. Pollard, 256 N. C. 77, 123 S. E. (2d) 104 (1961); Spivey v. Boyce, 257 N. C. 630, 127 S. E. (2d) 228 (1962); Outboard Marine Corp. v. Futrell, 267 N.C. 194, 147 S.E.2d 893 (1966).

Cited in Ragland v. Kellogg, 249 N. C. 646, 107 S. E. (2d) 69 (1959); Dawson Constr. Co. v. Hyde County Board of Education, 254 N. C. 311, 118 S. E. (2d) 753 (1961); Greer v. Skyway Broadcasting Co., 256 N. C. 382, 124 S. E. (2d) 98 (1962); Williams v. Hunter, 257 N. C. 754, 127 S. E. (2d) 546 (1962); Godfrey v. Smith, 266 N.C. 402, 146 S.E.2d 431 (1966).

5. Appeals—When Heard

The transcript of the record on appeal from a judgment rendered before the commencement of a term of this Court must be docketed at such term twenty-eight days before entering upon the call of the docket of the district to which it belongs, and stand for argument in its order; if not so docketed, the case shall be continued or dismissed under Rule 17, if the appellee file a proper certificate prior to the docketing of the transcript.

The transcript of the record on appeal from a court in a county in which the court shall be held during the term of this Court may be filed at such term or at the next succeeding term. If filed twenty-eight days before the Court begins the perusal of the docket of the district to which it belongs, it shall be heard in its order; otherwise, if a civil case, it shall be continued unless by consent it is submitted upon printed argument under Rule 10.

Appeals in criminal cases shall each be heard at the term at which they are docketed, unless for cause or by consent they are continued: Provided, however, that an appeal in a civil case from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, and Thirtieth districts which is tried between the first Monday of January and the first Monday in February, or between the first Monday of August and the fourth Monday in August, is not required to be docketed at the immediately succeeding term of this Court, though if docketed in time for hearing at said first term, the appeal will stand regularly for argument. All criminal cases from the foregoing districts which are tried between the first Monday in January and the first Monday in February, and between the first Monday in August and the fourth Monday in August must be docketed within sixty days from the last day of the term at which the respective cases were tried.

Editor's Note.—

The first amendment, effective July 1, 1955, substituted, in the proviso in the third paragraph, the words "Fourth, Fifth, Sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth and Thirtieth" for the words "Eighteenth, Nineteenth, Twentieth and Twenty-first." The second amendment, adopted March 8, 1956, added the last sentence of the third paragraph

The third amendment, effective July 1, 1961, changed the time of docketing the record in the first two paragraphs from twenty-one to twenty-eight days. The amendment added the Seventh and the Twenty-sixth districts in the third paragraph. It also changed the first day of January and the first day of August to the first Monday of such months, and inserted the words "sixty days" for the words "forty-five days" in the last sentence.

The fourth amendment, dated June 18, 1965, added the Eighth, Twenty-fourth and Twenty-fifth districts in the third paragraph.

Rules Mandatory. — In accord with 4th paragraph in original. See State v. Walker, 245 N. C. 658, 97 S. E. (2d) 219 (1957).

Case Is Subject to Dismissal on Motion or by Court ex Mero Motu.—The defendant not having docketed his case on appeal within the time prescribed by this rule, nor having docketed the record proper and moved for a writ of certiorari before the expiration of time allowed docketing criminal appeals, the case is subject to dismissal either upon motion of the Attorney General or ex mero motu by the court. State v. Walker, 245 N. C. 658, 97 S. E. (2d) 219 (1957).

Extension of Time Granted for Settling Case on Appeal.—When by consent of the appellant, or by order of the judge, such a long extension of time is granted for settling a case on appeal as to put it beyond the power of appellant to have the case ready for hearing, as required by the rules, the appellant runs the risk of losing his right of appeal. In such instances, unless the appellant gets his appeal docketed in time, as required by the rules of the court, notwithstanding the time allowed, or dockets the record proper and moves for a writ of certiorari, the right of appeal will be lost. State v. Walker, 245 N. C. 658, 97 S. E. (2d) 219 (1957).

Motion for Certiorari Where Case Is Not Ready for Hearing. — Where, from lack of sufficient time or other cogent reason, the case is not ready for hearing, it is permissible for the appellant, within the the time prescribed, to docket the record proper and move for a certiorari, which motion may be allowed by the court in its discretion, on sufficient showing made, but such writ is not one to which the moving party is entitled as a matter of right. The issuance of a writ of certiorari, however, does not change the time already fixed by agreement of the parties, or by order of court, for serving statement of case on appeal, and exceptions or countercase. State v. Walker, 245 N. C. 658, 97 S. E. (2d) 219 (1957), quoting Pruitt v. Wood, 199 N. C. 788, 156 S. E. 126 (1930).

Cited in State v. Potts, 266 N.C. 117, 145 S.E.2d 307 (1965).

6. Appeals—Criminal Actions

Appeals in criminal cases, docketed twenty-eight days before the call of the docket for their districts, shall be heard before the appeals in civil cases from said districts. Criminal appeals docketed after the time above stated shall be called immediately at the close of argument of appeals from the Sixteenth District, unless for cause otherwise ordered, and shall have priority over civil cases placed at the end of the docket.

Editor's Note.—

The first amendment, effective July 1, 1955, substituted the word "Sixteenth" for the word "Eleventh" in line four of the first paragraph.

The second amendment, effective July 1, 1961, substituted "twenty-eight" for "twenty-one" in line one of the first paragraph.

As the rest of the rule was not affected by the amendments it is not set out.

7. Call of Judicial Districts

Appeals from the several districts will be called for hearing in the following order:

From the First, Second, Twenty-ninth and Thirtieth Districts, the first week of the term.

From the Third and Twenty-eighth Districts, the second week of the term.

From the Fourth, Fifth, Sixth and Twenty-seventh Districts, the fourth week of the term.

From the Seventh and Twenty-sixth Districts, the fifth week of the term.

From the Eighth, Twenty-fourth and Twenty-fifth Districts, the seventh week of the term.

From the Ninth, Twenty-first, Twenty-second and Twenty-third Districts, the eighth week of the term.

From the Tenth and Twentieth Districts, the tenth week of the term.

From the Eleventh and Nineteenth Districts, the eleventh week of the term.

From the Twelfth, Thirteenth and Eighteenth Districts, the thirteenth week of the term.

From the Fourteenth and Seventeenth Districts, the fourteenth week of the term.

From the Fifteenth and Sixteenth Districts, the sixteenth week of the term.

In making up the calendar for the two districts allotted to the same week, the appeals will be docketed in the order in which they are received by the clerk, but only those from the district first named will be called on Tuesday of the week to which the district is allotted, unless otherwise directed by the Court, and those from the district last named will not be called before Wednesday of said week, unless otherwise directed by the Court, but appeals from the district last named must nevertheless be docketed not later than twenty-eight days preceding the call for the week.

Editor's Note.—

The first amendment, effective July 1, 1955, rewrote all of this rule with exception of the last paragraph.

The second amendment, effective July 1, 1961, rewrote the introductory paragraph and substituted "twenty eight days" for "twenty one days" near the end of the last paragraph.

8. End of Docket

At the Spring Term, causes not reached and disposed of during the period allotted to each district, and those for any other cause put to the foot of the docket, shall be called at the close of argument of appeals from the Fifteenth and Sixteenth Districts, and each cause, in its order, tried or continued, subject to Rule 6.

Editor's Note. — The amendment, effective July 1, 1955, substituted the words "Fifteenth and Sixteenth" for the word "Eleventh" near the end of the first paragraph. As the second paragraph was not changed by the amendment, it is not set out.

10. Submission on Printed Arguments

By consent of counsel, any case may be submitted without oral argument, upon printed briefs by both sides, without regard to the number of the case on the docket, or date of docketing the appeal. Such consent must be signed by counsel of both parties and filed, and the clerk shall make a note thereof on the docket; but the Court, notwithstanding, may direct an oral argument to be made, if it shall deem best.

An appeal submitted under this rule must be docketed before the call of appeals from the Fourteenth and Seventeenth Districts has been entered upon, unless it appears to the Court from the record that there has been no delay in docketing the appeal, and that it has been docketed as soon as practicable, and that public interest requires a speedy hearing of the case.

(Note—A compliance with this rule does not require a formal motion, but merely the filing with the printed record and briefs an agreement signed by counsel for both sides, that the case may be considered without oral argument.)

Editor's Note. — The amendment, effective July 1, 1955, substituted the words "Fourteenth and Seventeenth" for the word "Ninth" in line two of the second paragraph.

Applied in Keeter v. Town of Lake Lure, 264 N.C. 252, 141 S.E.2d 634 (1965).

13. When Case May Be Heard Out of Order

Applied in State v. Childs, 265 N.C. 575, 144 S.E.2d 653 (1965); Dilday v. Beaufort County Bd. of Educ., 267 N.C. 438, 148 S.E.2d 513, 149 S.E.2d 345 (1966).

16. Motion to Dismiss Appeal—When Made

Applied in Oliver v. Williams, 266 N.C. 601, 146 S.E.2d 648 (1966).

17. Appeal Dismissed for Failure to Docket in Time

If the appellant in a civil action, or the defendant in a criminal prosecution, shall fail to bring up and file a transcript of the record twenty-eight days before the Court begins the call of cases from the district from which it comes at the term of this Court at which such transcript is required to be filed the appellee may file with the clerk of the Court the certificate of the clerk of the court from which the appeal comes, showing the names of the parties thereto, the time when the judgment and appeal were taken, the name of the appellant, and the date of the settling of the case on appeal, if any has been settled, with his motion to docket and dismiss at appellant's cost said appeal, which motion shall be allowed at the first session of the Court thereafter, with leave to the appellant, during the term, and after notice to the appellee, to apply for the redocketing of the cause; Provided, that such motion of appellee to docket and dismiss the appeal will not be considered unless the appellee, before making the motion to dismiss, has paid the clerk of this Court the fee charged by the statute for docketing an appeal, the fee for drawing and entering judgment, and the determination fee, execution for such amount to issue in favor of appellee against appellant.

Editor's Note.—

The amendment, effective July 1, 1961, substituted "twenty-eight" for "twenty-one" in line two and "the" for "this" in line five.

A note to this rule as published in 253 N. C. 816-817 is as follows: Motion made under this rule is not effectual if filed after appeal has been docketed although appeal was docketed after time required by Rule 5.

Applied in State ex rel. Northwestern Bank v. Fidelity & Cas. Co., 268 N.C. 234, 150 S.E.2d 396 (1966).

(1) Appeal Docketed by Appellee When Frivolous and Taken for Purposes of Delay. The transcript of an appeal which is obviously frivolous and appears to have been taken only for purposes of delay, may be docketed in this Court by appellee before the time required by Rule 5, and if it appears to the Court that the appellee's contention is correct, the appeal will be dismissed at cost of appellant.

Applied in Kernodle v. Boney, 260 N.C. 774, 133 S.E.2d 697 (1963); State v. Brown, 263 N.C. 786, 140 S.E.2d 413 (1965); State v. Potts, 266 N.C. 117, 145 S.E.2d 307 (1965).

Cited in Doss v. Nowell, 268 N.C. 289, 150 S.E.2d 394 (1966).

19. Transcripts

(1) What to Contain and How Arranged. In every transcript record of an action brought to this Court, the proceedings shall be set forth in the order of time in which they occurred, and the several processes, orders, and every document constituting the transcript shall be identified by a proper title or heading, and shall be arranged to follow each other in the order the same took place when practicable. The pages shall be numbered, and on the front page of the record there shall be an index in the following or some equivalent form:

	Page
Summons—date	1
Complaint—first cause of action	2
Complaint—second cause of action	3
Affidavit for attachment, etc.	4

It shall not be necessary to send as a part of the transcript, affidavits, orders and other processes and proceedings in the action not involved in the appeal and not necessary to an understanding of the exceptions relied on. Counsel may sign an agreement which shall be made a part of the record as to the parts to be transcribed, and in the event of disagreement of counsel the judge of the Superior Court shall designate the same by written order: Provided, that the pleadings on which the case is tried, the issues, and the judgment appealed from shall be a part of the transcript in all cases: Provided, further, that this rule is subject to the power of this Court to order additional papers and parts of the record to be sent up.

Effective January 1, 1964, every pleading, motion, affidavit, or other document included in the transcript on appeal shall plainly show the date of the verification and the name of the person who verified it. Every order and judgment shall show the date on which it was signed and filed. If this information is not furnished the transcript may be considered insufficient and dealt with as provided in subsection (10).

Editor's Note.—

The amendment effective January 1, 1964, added the last paragraph.

Rules of practice in the Supreme Court are mandatory and will be enforced. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966); In the Matter of the Will of Adams, 268 N.C. 565, 151 S.E.2d 59 (1966).

Essential Parts of Transcript, etc.—

In accord with original. See State v. Stubbs, 265 N.C. 420, 144 S.E.2d 262 (1965).

Where the pleadings, etc.—

In accord with 2nd paragraph in original. See Griffin v. Barnes, 242 N. C. 306, 87 S. E. (2d) 560 (1955).

Jurisdiction of Trial Court Should Appear.—

Where the record fails to disclose jurisdiction in the court below, the Supreme Court acquires no jurisdiction by appeal, and the appeal must be dismissed. State v. Banks, 241 N. C. 572, 86 S. E. (2d) 76 (1955).

Filing Date of Every Document Required.—This rule requires, inter alia, that the filing date of every pleading, motion, affidavit or other document in the transcript on appeal shall appear. Oliver v. Williams. 266 N.C. 601, 146 S.E.2d 648 (1966).

Dismissal of Appeal.—

In accord with 1st paragraph in original. See In re Adoption of Anderson 251 N C. 176 110 S E (2d) 832 (1959).

In accord with 2nd paragraph in original. See Thrush v. Thrush, 245 N. C. 63, 94 S. E. (2d) 897 (1956); Williams v. Asheville Contracting Co., 259 N. C. 232, 130 S. E. (2d) 340 (1963).

The pages of the record in an appeal in forma pauperis must be numbered. Pearce v. Hewitt, 261 N.C. 408, 134 S.E.2d 662 (1964).

Verified Answer Attached to Motion to Set Aside Default Judgment.—On appeal from an order setting aside a default judgment upon the court's finding of surprise and a meritorious defense, the verified answer of defendant, which was attached to and made a part of the motion to set aside the judgment, is a necessary part of the record proper, and on failure to send it up the appeal will be dismissed, since in the absence of the answer it cannot be determined whether the finding of a meritorious defense was supported by evidence. Mooneyham v. Mooneyham, 249 N C. 641, 107 S. E. (2d) 66 (1959).

Applied in Royals v. Baggett, 262 N.C. 541, 138 S.E.2d 141 (1964); Miller v. Miller, 270 N.C. 140, 153 S.E.2d 854 (1967).

Stated in Pace v. Pace, 244 N C. 698, 94 S. E. (2d) 819 (1956); Patterson v. Buchanan, 265 N.C. 214, 143 S.E.2d 76 (1965).

Cited in Stowe v. Burke, 255 N. C. 527, 122 S. E. (2d) 374 (1961); Paschal v. Autry, 256 N. C. 166, 123 S. E. (2d) 569 (1962); State v. Potts, 266 N.C. 117, 145 S.E.2d 307 (1965).

(2) Two Appeals.

Where indictments relating to one offense, etc.—

Where two defendants are jointly tried for the same offense upon a joint indictment, only a single transcript should be docketed upon their respective appeals. State v. Frazier, 268 N.C. 249, 150 S.E.2d 431 (1966).

(3) Exceptions Grouped.

Cross References.—

See note to Rule 4(a).

This rule and Rule 21 apply to all appeals, whether they come to the Supreme Court by writ or in regular order. Williams v. Williams, 261 N.C. 48, 134 S.E.2d 227 (1964).

Rules Mandatory.—This rule and Rule 21, relating to assignments of error and exceptions, are mandatory. Pamlico County v. Davis, 249 N. C. 648, 107 S. E. (2d) 306 (1959); Darden v. Bone, 254 N. C. 599, 119 S. E. (2d) 634 (1961); Kleinfeldt v. Shoney's of Charlotte, Inc., 257 N. C. 791, 127 S. E. (2d) 573 (1962).

The rules of practice of the Supreme Court are mandatory. Jim Walter Corp. v. Gilliam, 260 N.C. 211, 132 S.E.2d 313 (1963).

An assignment of error must be based upon an exception duly taken, in apt time, during the trial and preserved as required by this rule and Rule 21. State v. Strickland, 254 N. C. 658, 119 S. E. (2d) 781 (1961).

The purpose of this rule which requires that each assignment of error itself disclose with particularity the specific matters alleged as error without requiring "a voyage of discovery" through an often voluminous record, is twofold: (1) To enable the members of the Supreme Court, in their pre-argument examination of the record, to ascertain the questions involved in the appeal and thus to obtain maximum benefits from the arguments; (2) to reduce the possibility that an error in the trial below will escape detection. State v. Douglas, 268 N.C. 267, 150 S.E.2d 412 (1966).

Where appeal is from a judgment of nonsuit it is not subject to dismissal under this rule. Douglas v. W. C. Mallison & Son, 265 N.C. 362, 144 S.E.2d 138 (1965).

Assignment of Error Necessary.—

Where the record contains no assignments of error, this is ground for dismissal for failure to comply with this rule. Eastern Steel Products Corp. v Chestnutt, 252 N. C. 269, 113 S. E. (2d) 587 (1960); Williams v. Denning, 260 N.C. 540, 133 S.E.2d 148 (1963).

Rules 19 and 21 require that asserted error must be based on an appropriate exception, and must be properly assigned. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966).

Or Judgment Below Will Be Sustained.—Where the case on appeal contains no assignments of error as required by this rule, unless error appears on the face of the record proper, or the issues are insufficient to support the judgment entered, the judgment will be sustained. Anson Bank & Trust Co. v. Henry, 267 N.C. 253, 148 S.E.2d 7 (1966).

In the absence of assignments of error in the record or brief, the judgment below will be sustained in the absence of error appearing on the face of the record proper. State v. Williams, 268 N.C. 295, 150 S.E.2d 447 (1966).

Not Sufficient to Show, etc.—

Rules 19 and 21 require an assignment of error to show specifically what question is intended to be presented for consideration without the necessity of going beyond the assignment of error itself. A mere reference in the assignment of error to the record page where the asserted error may be discovered is not sufficient. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966); In the Matter of the Will of Adams, 268 N.C. 565, 151 S.E.2d 59 (1966).

Assignments Not Supported by Exceptions Therein Noted Will Not Be Considered.—Assignments of error not supported by exceptions therein noted cannot be considered. The Supreme Court will not search through a record in an effort to determine whether or not it contains an exception or exceptions that will sustain the assignments. State v. Worley, 246 N. C. 202, 97 S. E. (2d) 837 (1957).

The Supreme Court will not consider assignments not based on specific exceptions and which do not comply with its rules. Darden v. Bone, 254 N. C. 599, 119 S. E. (2d) 634 (1961).

Assignments of error not supported by exceptions present no question of law for the Supreme Court to decide. Corns v. Nickelston, 257 N. C. 277, 125 S. E. (2d) 588 (1962).

An assignment of error not supported by an exception is ineffectual. Vance v. Hampton, 256 N. C. 557, 124 S. E. (2d) 527 (1962).

Reason for Requiring Designation of Exceptions.—The reason which requires appellant in the case on appeal to assign or designate the exceptions on which he will rely is apparent. Appellee is entitled to know which of the exceptions taken appellant intends to rely on, so that there may be included in the record such parts as may be necessary to show that there was in fact no error. Conrad v. Conrad, 252 N. C. 412. 113 S. E. (2d) 912 (1960).

What the Supreme Court requires is that exceptions which are presented to the court for decision shall be stated clearly and intelligibly by the assignment of error, and not by referring to the record, and therewith there shall be set out so much of the evidence or other matter of circumstance as shall be necessary to present clearly the matter to be debated. In this way the scope of inquiry is narrowed to the identical points which the appellant thinks are material and essential, and the court is not sent scurrying through the entire record to find the matters complained of. Darden v. Bone, 254 N. C. 599, 119 S. E. (2d) 634 (1961); Pratt v. Bishop, 257 N. C. 486, 126 S. E. (2d) 597 (1962).

Where the exceptions appear in the record only under the assignments of error, they are ineffectual, since the rules require that assignments of error be based upon exceptions previously noted, and the rules are mandatory and will be enforced ex mero motu. Bulman v. Southern Baptist Convention, 248 N. C. 392, 103 S. E. (2d) 487 (1958).

Purported exceptions appearing nowhere except in the assignments of error will not be considered on appeal. Vance v. Hampton, 256 N. C. 557, 124 S. E. (2d) 527 (1962).

The exceptions must be grouped in the assignments of error. Williams v. Denning, 260 N.C. 539, 133 S.E.2d 150 (1963).

Where appellant's exceptions are not grouped as required by this rule and Rule 21, they may not be considered. Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962).

Assignments Must Point Out the Error Relied Upon. — Purported assignments of error will not be considered by the court where they do not throw the slightest light on the questions the court is asked to pass upon. Tillis v. Calvine Cotton Mills, Inc., 244 N. C. 587, 94 S. E. (2d) 600 (1956); State v. Reel, 254 N. C. 778, 119 S. E. (2d) 876 (1961).

The error relied upon should be definitely and clearly presented, and the court should not be compelled to go beyond the assignment itself to learn what the question is. Allen v. Allen, 244 N. C. 446, 94 S. E. (2d) 325 (1956); State v. Mills, 244 N. C. 487, 94 S. E. (2d) 324 (1956); Tillis v. Calvine Cotton Mills, Inc., 244 N. C. 587, 94 S. E. (2d) 600 (1956); Armstrong v. Howard, 244 N. C. 598, 94 S. E. (2d) 594 (1956); Nichols v. McFarland, 249 N. C. 125, 105 S. E. (2d) 294 (1958); Phillips v. North Carolina R. Co., 257 N. C. 239, 125 S. E. (2d) 603 (1962); Pratt v. Bishop, 257 N. C. 486, 126 S. E. (2d) 597 (1962); State v. Mohrmann, 265 N.C. 594, 144 S.E.2d 645 (1965); State v. Oliver, 268 N.C. 280, 150 S.E.2d 445 (1966).

Assignments of error which are insufficient to present the errors relied upon without the necessity of going beyond the assignments themselves to learn what the questions are do not comply with this rule. Jones v. Saunders, 257 N. C. 118, 125 S. E. (2d) 350 (1962).

This rule and Rule 21 require the assignment of error to show what question is intended to be presented for consideration without the necessity of paging through the record to find the asserted error. A mere reference in the assignment of error to the record page where the asserted error may be discovered is not sufficient. Hunt v. Davis, 248 N. C. 69, 102 S. E. (2d) 405 (1958); Douglas v. W. C. Mallison & Son, 265 N.C. 362, 144 S.E.2d 138 (1965).

This rule and Rule 21 require an assignment of error to state clearly and intelligently what question is intended to be presented without the necessity of the Court going beyond the assignment of error itself "on a voyage of discovery" through the record to find the asserted error and the precise question involved. Kleinfeldt v. Shoney's of Charlotte, Inc., 257 N. C. 791, 127 S. E. (2d) 573 (1962).

Assignments of error do not comply with the requirements of this rule and are insufficient where they do not present the errors relied upon without the necessity of going beyond the assignments themselves to learn what the questions are, and the particular portions of the charge objected to are not specifically set out. Hill v. Logan, 262 N.C. 488, 137 S.E.2d 822 (1964).

An assignment of error must disclose the questions sought to be presented without the necessity of going beyond the assignment itself. Nationwide Homes of Raleigh, N.C., Inc. v. First-Citizens Bank & Trust Co., 267 N.C. 528, 148 S.E.2d 693 (1966); State v. Foster, 268 N.C. 480, 151 S.E.2d 62 (1966).

An assignment of error which fails to disclose the question sought to be presented without the necessity of going beyond the assignment itself will not be considered. Long v. Honeycutt, 268 N.C. 33, 149 S.E.2d 579 (1966).

Assignments of error, when properly prepared, pinpoint the controversy. State v. Douglas, 268 N.C. 267, 150 S.E.2d 412 (1966).

Appeal Dismissed, etc.—

A failure to comply with subdivision (3) of this rule by express language warrants a dismissal. State v. Broadway, 256 N. C. 608, 124 S. E. (2d) 568 (1962).

Exceptions Not Set Out Deemed Abandoned.—

Exceptions not brought forward as separate assignments of error and not discussed in the brief are deemed abandoned. Keith v. Wilder, 241 N. C. 672, 86 S. E. (2d) 444 (1955).

An exception "to each conclusion of law embodied in the judgment" is a broadside exception and does not comply with this rule and § 1-186. Jamison v. Charlotte, 239 N. C. 682, 80 S. E. (2d) 904 (1954).

Appeal Itself Treated as Exception to Judgment.—Where the exceptions are not grouped, the assignments of error will not be considered, but the appeal itself will be treated as an exception to the judgment. Ellis v. Atlantic Coast Line R. Co., 241 N. C. 747, 86 S. E. (2d) 406 (1955).

Exceptions to Charge. — Where the charge covered 36 pages of the record, and all except 15 lines were made the subject of the 72 exceptions taken, and some of the exceptions related to two or more pages of the charge, the exceptions did not point up with the definiteness required by this rule. State v. Stevens, 244 N. C. 40, 92 S. E. (2d) 409 (1956).

Assignments of error as to the admission of evidence shall state with particularity the alleged incompetent evidence, and not require a search through the record to find the challenged evidence. Bridges v. Graham, 246 N. C. 371, 98 S. E. (2d) 492 (1957).

Exclusion of Evidence.—Assignments of error relating to the exclusion of evidence did not comply with this rule in that appellant did not incorporate therein the excluded evidence and thus disclose the alleged error. Rural Plumbing & Heating, Inc. v. H. C. Jones Constr. Co., 268 N.C. 23, 149 S.E.2d 625 (1966).

The assignment of error should set forth, within itself, the question asked, the objection, the ruling on the objection, and what the witness would have answered if he had been permitted to testify. Douglas v. W. C. Mallison & Son, 265 N.C. 362, 144 S.E.2d 138 (1965).

Assignment of error held not to comply with this rule. Putnam v. Triangle Publications, Inc., 245 N. C. 432, 96 S. E. (2d) 445 (1957).

Assignments of error as to the admission of evidence did not comply with this rule. Bridges v. Graham, 246 N. C. 371, 98 S. E. (2d) 492 (1957).

An assignment of error read as follows: "That the court erred in the third, fifth, sixth, eighth, ninth and tenth findings of fact in the judgment, for that the evidence to support said findings of fact was not clear and unequivocal." Each finding of fact so challenged related to a different subject. This assignment did not comply with this rule. Harrington v. Rice, 245 N C. 640, 97 S. E. (2d) 239 (1957).

An assignment of error, unsupported by exception, that the court erred in finding that the evidence was insufficient to sustain appellant's motion, is a broadside exception and ineffectual because of noncompliance with this rule and Rule 21. Columbus County v. Thompson, 249 N. C. 607, 107 S. E. (2d) 302 (1959).

An assignment of error that the court failed to declare and explain the law applicable to the facts in the case, without pointing out what matters appellant contends were omitted, is a broadside exception. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966).

An assignment of error that the court failed to declare the law arising on the evidence as required by § 1-180, is a broadside exception and ineffectual. Chalmers v. Womack, 269 N.C. 433, 152 S.E.2d 505 (1967).

Grouping of Exceptions Held Not to Comply with Rule.—See Hines v. Frink, 257 N. C. 723, 127 S. E. (2d) 509 (1962).

Discretion of Supreme Court.—

The Supreme Court, in the exercise of its supervisory jurisdiction, may decide questions on the merits even though the procedure prescribed by the rules of practice as necessary to present such questions has not been followed. Eastern Steel Products Corp. v. Chestnutt, 252 N. C. 269, 113 S. E. (2d) 587 (1960).

While not in strict compliance with this rule, plaintiff's assignments of error are specific and definite. Since the rules of the court are made for the court's convenience and in dispatch of its appellate jurisdiction, the Supreme Court will consider appellant's assignment of error. Gardner v. City of Reidsville, 269 N.C. 581, 153 S.E.2d 139 (1967).

Applied in Suits v. Old Equity Life Ins. Co., 241 N. C. 483, 85 S. E. (2d) 602

(1955); Rigsbee v. Perkins, 242 N. C. 502, 87 S. E. (2d) 926 (1955); Arcady Farms Milling Co. v. Laws, 242 N. C. 505, 87 S. E. (2d) 925 (1955); Davis v. Vaughn, 243 N. C. 486, 91 S. E. (2d) 165 (1956); Travis v. Johnston, 244 N. C. 713, 95 S. E. (2d) 94 (1956); E. L. Lowie & Co. v. Atkins, 245 N. C. 98, 95 S. E. (2d) 271 (1956); Harriet Cotton Mills v. Local Union No. 578, 251 N. C. 218, 111 S. E. (2d) 457 (1959); Benton v. C. G. Willis, Inc., 252 N. C. 166, 113 S. E. (2d) 288 (1960), Daniel v. Butler Lumber Co., 254 N. C. 504, 119 S. E. (2d) 397 (1961); Gibbs v. Gaimel, 257 N. C. 650, 127 S. E. (2d) 271 (1962); Benthall v. Washington Hog Market, Inc., 257 N. C. 748, 127 S. E. (2d) 507 (1962); State v. Pearson, 258 N. C. 188, 128 S. E. (2d) 251 (1962); State v. Brown, 263 N.C. 786, 140 S.E.2d 413 (1965); Beacon Homes, Inc. v. Holt, 266 N.C. 467, 146 S.E.2d 434 (1966); State v. Sellers, 266 N.C. 734, 147 S.E.2d 225 (1966); Nicholson v. Dean, 267 N.C. 375, 148 S.E.2d 247 (1966).

Cited in State v. Gordon, 241 N. C. 356, 85 S. E. (2d) 322 (1955); State v. Bostic, 242 N. C. 639, 89 S. E. (2d) 261 (1955); Woody v. Pickelsimer, 248 N. C. 599, 104 S. E. (2d) 273 (1958); State v. Grundler, 251 N. C. 177, 111 S. E. (2d) 1 (1959); Tindal v. Mills, 265 N.C. 716, 144 S.E.2d 902 (1965).

(4) Evidence to Be Stated in Narrative Form. The evidence in case on appeal shall be in narrative form, and not by question and answer, except that a question and answer, or a series of them, may be set out when the subject of a particular exception. When this rule is not complied with, and the case on appeal is settled by the judge, this Court will in its discretion hear the appeal, or remand for a settlement of the case to conform to this rule. If the case is settled by agreement of counsel, or the statement of the appellant becomes the case on appeal, and the rule is not complied with, or the appeal is from a judgment of nonsuit, the appeal will be dismissed. In other cases the Court will in its discretion dismiss the appeal, or remand for a settlement of the case on appeal: Provided, however, that in appeals from appellate judgments of the superior court in cases originating in the district court it shall be permissible and optional with counsel to narrate the evidence or to include it in question and answer form in the case on appeal.

Editor's Note. — The Supreme Court order adding the proviso at the end of the last sentence was adopted March 2, 1967.

The primary purpose of this rule is to save the time of the Supreme Court in reviewing the evidence and to reduce printing costs. Keller v. Security Mills of Greensboro, Inc., 260 N.C. 571, 133 S.E.2d 222 (1963).

Rule Is Mandatory.—This rule is mandatory, and failure to comply limits the appeal to errors presented by the record proper, and in the absence of such error, the appeal will be dismissed. Laughinghouse v. Farm Bureau Mut. Automobile Ins. Co., 239 N. C. 678, 80 S. E. (2d) 457 (1954); State v. McNeill, 239 N. C. 679, 80 S. E. (2d) 680 (1954); Whiteside v. Ralston Purina Co., 242 N. C. 591, 89 S. E. (2d) 159 (1955); State v. Griffin, 246 N. C. 680, 100 S. E. (2d) 49 (1957); State v. Womack, 251 N. C. 342, 111 S. E. (2d) 332 (1959); Standard Amusement Co. v. Tarkington, 251 N. C. 461, 111 S. E. (2d) 538 (1959).

This subsection is mandatory, and may not be waived by the parties. Huie v. Templeton, 246 N. C. 86, 97 S. E. (2d) 455 (1957); State v. Griffin, 246 N. C. 680, 100 S. E. (2d) 49 (1957); State v. Best, 265 N.C. 477, 144 S.E.2d 416 (1965).

When the evidence adduced at the trial is not contained in the record, the appeal must be dismissed in the absence of error appearing upon the face of the record. State v. Prince, 270 N.C. 769, 154 S.E.2d 897 (1967).

And May Be Enforced ex Mero Motu.—The requirement of this subsection will be enforced ex mero motu. Huie v. Templeton, 246 N. C. 86, 97 S. E. (2d) 455 (1957).

Where the case on appeal as served by appellants became the case on appeal, and the transcript of evidence therein, other than pleadings offered, was mainly in question and answer form, and the appeal was from a judgment of nonsuit, the appeal was dismissed by the court ex mero motu. Huie v. Templeton, 246 N. C. 86, 97 S. E. (2d) 455 (1957).

Cannot Be Waived.—

In accord with original. See State v. McNeill, 239 N. C. 679, 80 S. E. (2d) 680 (1954); Standard Amusement Co. v. Tarkington, 251 N. C. 461, 111 S. E. (2d) 538 (1959).

Objection to Noncompliance Presented by Counter-Case or Exceptions to Case.— Objection that appellant, instead of reducing the testimony to narrative form as required by this rule, merely gave conclusions as to the meaning of the testimony should ordinarily be presented by counter-case or exceptions to the case on appeal. Keller v. Security Mills of Greensboro, Inc., 260 N.C. 571, 133 S.E.2d 222 (1963).

Effect of Failure to Comply.—

An appeal will not be dismissed under this rule, unless the narration of the evidence is fatally defective. Keller v. Security Mills of Greensboro, Inc., 260 N.C. 571, 133 S.E.2d 222 (1963).

Where the evidence in the case on appeal is set out entirely in questions and answers instead of in narrative form as required by this rule, the Supreme Court considers only errors presented by the record proper. Anson Bank & Trust Co. v. Henry, 267 N.C. 253, 148 S.E.2d 7 (1966).

Applied in McLean Trucking Co. v. Dowless, 249 N. C. 346, 106 S. E. (2d) 510 (1959); State v. Hamilton, 264 N.C. 277, 141 S.E.2d 506 (1965); Nello L. Teer Co. v. North Carolina State Highway Comm'n, 265 N.C. 1, 143 S.E.2d 247 (1965); Selph v. Selph, 267 N.C. 635, 148 S.E.2d 574 (1966).

20. Pleadings

(1) When Deemed Frivolous.

The absence of the complaint from the record makes it necessary to dismiss the appeal. Williams v. Asheville Contracting Co., 259 N. C. 232, 130 S. E. (2d) 340 (1963).

Quoted in Pace v. Pace, 244 N. C. 698, 94 S. E. (2d) 819 (1956).

Stated in Thrush v. Thrush, 245 N. C. 63, 94 S. E. (2d) 897 (1956).

(2) When Containing More than One Cause of Action.

Causes of Action Must Be Separately Stated.—Where plaintiff brings suit on two causes of action, each must be separately stated. Bannister & Sons v. Williams, 261 N.C. 586, 135 S.E.2d 572 (1964).

And So Must Cross-Action and Counterclaim. — Where facts were alleged in a series of paragraphs, without any satisfactory attempt to distinguish between those relating to cross-action and those relating to the counterclaim, a demurrer was sustained. Perfecting Serv. Co. v. Product Dev. & Sales Co., 261 N.C. 660, 136 S.E.2d 56 (1964).

A defective statement of a good cause of action incorporated in another cause of action violates this rule. Mills v. Carolina Cemetery Park Corp., 242 N. C. 20, 86 S. E. (2d) 893 (1955).

Action by Assignees of Claims for Unpaid Wages.—Claims for unpaid wages are choses in action which can be assigned, and a single assignee or several assignees holding jointly can maintain one action to recover the several sums assigned to them. In such an action, this rule would apply and each claim should be set out as a separate and distinct cause of action. Morton v. Thornton, 259 N. C. 697, 131 S. E. (2d) 378 (1963).

Applied in Crouch v. Lowther Trucking Co., 262 N.C. 85, 136 S.E.2d 246 (1964); Kearns v. Primm, 263 N.C. 423, 139 S.E.2d 697 (1965).

Stated in Tart v. Byrne, 243 N. C. 409, 90 S. E. (2d) 692 (1956).

Cited in Monroe v. Dietenhoffer, 264 N.C. 538, 142 S.E.2d 135 (1965).

(4) Amendments.

When Party May Amend Pleadings.— The Supreme Court on appeal may allow a party to amend so as to make his pleadings conform to the stipulations of the parties and the theory upon which the case was tried in the lower court, but the Supreme Court will not allow an amendment which would not make the record conform to the facts developed on the trial but would present matter relating to a theory different from that upon which the trial court proceeded. Kayler v. Gallimore, 269 N.C. 405, 152 S.E.2d 518 (1967).

21. Exceptions

I. EXCEPTIONS.

Cross References.—

See note to Rule 19 (3).

This rule and Rule 19 (3) apply to all appeals, whether they come to the Supreme Court by writ or in regular order. Williams v. Williams, 261 N.C. 48, 134 S.E.2d 227 (1964).

Rule Mandatory. — This rule and Rule 19 (3) are mandatory. Pamlico County v.

Davis, 249 N. C. 648, 107 S. E. (2d) 306 (1959); Darden v Bone, 254 N. C. 599, 119 S. E. (2d) 634 (1961); Kleinfeldt v. Shoney's of Charlotte, Inc., 257 N. C. 791, 127 S. E. (2d) 573 (1962).

The rules of practice of the Supreme Court are mandatory. Jim Walter Corp. v. Gilliam, 260 N.C. 211, 132 S.E.2d 313 (1963).

Rules of practice in the Supreme Court are mandatory and will be enforced. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966); In the Matter of the Will of Adams, 268 N.C. 565, 151 S.E.2d 59 (1966).

Assignment of Error, etc.—

Assignments of error should be sufficient in form to present the errors relied on without the necessity of going beyond the assignments themselves to learn what the questions are. State v. Burton, 256 N. C. 464, 124 S. E. (2d) 108 (1962); Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962); Jenks v. Morrison, 258 N. C. 96, 127 S. E. (2d) 895 (1962).

What the court requires is that exceptions which are presented to the court for decision shall be stated clearly and intelligibly by the assignment of error and not be referring to the record, and therewith there shall be set out so much of the evidence or other matter of circumstance as shall be necessary to present clearly the matter to be debated. In this way the scope of inquiry is narrowed to the identical points which the appellant thinks are material and essential, and the court is not sent scurrying through the entire record to find the matters complained of. Darden v. Bone, 254 N. C. 599 119 S. E. (2d) 634 (1961).

Assignments of error which are insufficient to present the errors relied upon without the necessity of going beyond the assignments themselves to learn what the questions are do not comply with this rule. Jones v. Saunders, 257 N. C. 118, 125 S. E. (2d) 350 (1962).

An assignment of error does not comply with this rule, where it does not disclose the questions sought to be presented without the necessity of going beyond the assignment of error itself. State v. Wilson, 264 N.C. 373, 141 S.E.2d 801 (1965); State v. Coleman, 270 N.C. 357, 154 S.E.2d 485 (1967).

Assignments of error to a charge which do not set forth the part of the charge challenged do not comply with the rules of practice in the Supreme Court. State v. Dixon, 256 N. C. 698, 124 S. E. (2d) 821 (1962).

When an exception relates to the charge, that portion to which the exception is taken must be set out in the particular assignment of error. A mere reference to the exception number and the page number of the record where the exception appears will not present the alleged error for review. Samuel v. Evans, 264 N.C. 393, 141 S.E.2d 627 (1965).

Rule 19 (3) and this rule require an assignment of error to state clearly and intelligently what question is intended to be presented without the necessity of the Court going beyond the assignment of error itself "on a voyage of discovery" through the record to find the asserted error and the precise question involved. Kleinfeldt v. Shoney's of Charlotte, Inc., 257 N. C. 791, 127 S. E. (2d) 573 (1962).

Rule 19 and this rule require that asserted error must be based on an appropriate exception, and must be properly assigned. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966).

Rule 19 and this rule require an assignment of error to show specifically what question is intended to be presented for consideration without the necessity of going beyond the assignment of error itself. A mere reference in the assignment of error to the record page where the asserted error may be discovered is not sufficient. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966); In the Matter of the Will of Adams, 268 N.C. 565, 151 S.E.2d 59 (1966).

The error relied upon should be definitely and clearly presented, and the court not compelled to go beyond the assignment of error itself to learn what the question is. State v. Mohrmann, 265 N.C. 594, 144 S.E.2d 645 (1965).

An assignment of error must disclose the question sought to be presented without the necessity of going beyond the assignment itself. Williams v. Boulerice, 269 N.C. 499, 153 S.E.2d 95 (1967).

An assignment of error must present a single question of law for consideration by the Court. Hines v. Frink, 257 N. C. 723, 127 S. E. (2d) 509 (1962); State v. Wilson, 264 N.C. 373, 141 S.E.2d 801 (1965).

An assignment which attempts to raise several different questions is broadside. Hines v. Frink, 257 N. C. 723, 127 S. E. (2d) 509 (1962).

An assignment of error alone, etc.—

In accord with original. See Hines v. Frink, 257 N. C. 723, 127 S. E. (2d) 509 (1962).

An assignment of error must be based upon an exception duly taken, in apt time, during the trial and preserved as required by Rules 19 (3) and 21. State v. Strickland, 254 N. C. 658, 119 S. E. (2d) 781 (1961).

The court will not consider assignments not based on specific exceptions and which do not comply with its rules. Darden v. Bone, 254 N. C. 599, 119 S. E. (2d) 634 (1961).

An assignment of error not supported by an exception is ineffectual. Vance v. Hampton, 256 N. C. 557, 124 S. E. (2d) 527 (1962).

Assignments of error unsupported by an exception duly taken and preserved will not be considered on appeal. Hicks v. Russell, 256 N. C. 34, 123 S. E. (2d) 214 (1961).

Appellant Must Point Out Error by Exception.—It is the duty of an appellant who asserts prejudicial error to point out the asserted error by exception. State v. Rorie, 258 N. C. 162, 128 S. E. (2d) 229 (1962).

Assignments of error not supported by exceptions present no question of law for the Supreme Court to decide. Corns v. Nickelston, 257 N. C. 277, 125 S. E. (2d) 588 (1962).

The failure to except leaves nothing to review. State v. Rorie, 258 N. C. 162, 128 S. E. (2d) 229 (1962).

Appeal Is to Judgment if No Exceptions Preserved.—In the absence of any exceptions, or when exceptions have not been preserved in accordance with the requirements of the rules, the appeal will be taken as an exception to the judgment. Cratch v. Taylor, 256 N. C. 462, 124 S. E. (2d) 124 (1962).

An appeal to the Supreme Court is itself an exception to the judgment or to any other matter of law appearing on the face of the record. Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962).

The only question raised by an exception to the judgment is whether error of law appears upon the face of the record. Vance v. Hampton, 256 N. C. 557, 124 S. E. (2d) 527 (1962).

Exceptions Must Be Set Out and Numbered. — Exceptions relied upon in the statement of the case must be set out and numbered. Barnette v. Woody, 242 N. C. 424, 88 S. E. (2d) 223 (1955).

The appellant must classify his exceptions, putting in a separate group all exceptions which relate to each particular question. State v. Rorie, 258 N. C. 162, 128 S. E. (2d) 229 (1962).

Where appellant's exceptions are not grouped as required by Rule 19 (3) and this rule, they may not be considered. Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962).

The failure to group requires a dismissal of the appeal. State v. Rorie, 258 N. C. 162, 128 S. E. (2d) 229 (1962).

It is entirely proper to group more than one exception under one assignment, when all the exceptions relate to a single question of law. State v. Wilson, 264 N.C. 373, 141 S.E.2d 801 (1965).

But if Exceptions Relate to Distinct Parts of Charge and Any Part Is Correct, Assignment Fails.—Where there is a single assignment of error based upon several exceptions to several distinct parts of the judge's charge, and one of the parts excepted to is correct, the assignment must fail. State v. Wilson, 264 N.C. 373, 141 S.E.2d 801 (1965).

Where the exceptions appear in the record only under the assignments of error, they are ineffectual, since the rules require that assignments of error be based upon exceptions previously noted, and the rules are mandatory and will be enforced ex mero motu. Bulman v. Southern Baptist Convention, 248 N. C. 392, 103 S. E. (2d) 487 (1958).

Assignments of error purporting to be supported by exceptions which appear nowhere in the record except in the purported assignments of error are ineffective and will not be considered on appeal. Cratch v. Taylor, 256 N. C. 462, 124 S. E. (2d) 124 (1962); Vance v. Hampton, 256 N. C. 557, 124 S. E. (2d) 527 (1962).

Broadside Exception.—An assignment of error, unsupported by exception, that the court erred in finding that the evidence was insufficient to sustain appellant's motion is a broadside exception and ineffectual because of noncompliance with Rule 19 (3) and this rule. Columbus County v. Thompson, 249 N. C. 607, 107 S. E. (2d) 302 (1959)

A broadside exception may not be aided by the assignment of error. Hicks v. Russell, 256 N. C. 34, 123 S. E. (2d) 214 (1961).

A broadside exception presents nothing for consideration by the Supreme Court but the question whether the facts found support the judgment. Hicks v. Russell, 256 N. C. 34, 123 S. E. (2d) 214 (1961).

A broadside exception to the findings of fact does not bring up for review the findings of fact or the evidence on which the findings are based. State v. Burell, 256 N. C. 288, 123 S. E. (2d) 795 (1962), cert. denied 370 U. S. 961, 82 S. Ct. 1621, 8 L. Ed. (2d) 827 (1962).

An exception must be made to a particular finding of fact and point out specifically the alleged error, and an exception to the findings of fact and the conclusions of law based thereon, is a broadside exception and ineffectual. State v. Burell, 256 N. C. 288, 123 S. E. (2d) 795 (1962), cert. denied 370 U. S. 961, 82 S. Ct. 1621, 8 L. Ed. (2d) 827 (1962).

A single exception to "the findings of fact and conclusions of law based thereon" has been consistently held by the Supreme Court to be "a broadside exception and ineffectual." Hicks v. Russell, 256 N. C. 34, 123 S. E. (2d) 214 (1961).

Exceptions which do not specify wherein it is claimed the Court erred in instructing the jury are broadside and wholly ineffectual to support the assignments of error. Corns v. Nickelston, 257 N. C. 277, 125 S. E. (2d) 588 (1962).

An assignment of error that the court failed to declare and explain the law applicable to the facts in the case, without pointing out what matters appellant contends were omitted, is a broadside exception. Lewis v. Parker, 268 N.C. 436, 150 S.E.2d 729 (1966).

General Exception.—

An exception to a portion of a charge embracing a number of propositions is insufficient if any of the propositions are correct. Clifton v. Turner, 257 N. C. 92, 125 S. E. (2d) 339 (1962).

Exception Not Considered.—

In accord with original. See Hatcher v. Clayton, 242 N. C. 450, 88 S. E. (2d) 104 (1955).

An exception which is not assigned as error is deemed abandoned. Balint v. Grayson, 256 N. C. 490, 124 S. E. (2d) 364 (1962).

Exceptions to Evidence.—

A general objection to evidence cannot be sustained if the evidence is competent for any purpose. State v. Casper, 256 N. C. 99, 122 S. E. (2d) 805 (1961).

When it is claimed that findings of fact made by the trial judge are not supported by the evidence, the exceptions and assignments of error in relation thereto must specifically and distinctly point out the alleged errors. Putnam v. Triangle Publications, Inc., 245 N. C. 432, 96 S. E. (2d) 445 (1957), quoting Burnsville v. Boone, 231 N. C. 577, 58 S. E. (2d) 351 (1950).

Broadside Assignment of Error to Findings of Fact Improper.—Plaintiff's assignment of error as to the judge's findings of fact was as follows: "1. For that the judge of the superior court made certain findings of fact, which findings of fact are not supported by the evidence and which findings are contrary to the evidence." This was a broadside assignment of error, which failed to point out or designate in the assignment of error the particular rulings to which exceptions were taken, so that in the assignment of error the Supreme Court could see the alleged error made by the judge. Putnam v. Triangle Publications, Inc., 245 N. C. 432, 96 S. E. (2d) 445 (1957).

Scope of Review Where Assignments of Error to Findings of Fact Are Insufficient.—Where the assignments of error are insufficient to present the findings of fact for review, the appeal presents the questions whether the findings support the court's inferences and conclusions of law and judgment, and whether error appears on the face of the record. Putnam v. Triangle Publications, Inc., 245 N. C. 432, 96 S. E. (2d) 445 (1957).

When no exception has been taken to a finding of fact, such finding is presumed to be supported by competent evidence and is binding on appeal. Cratch v. Taylor, 256 N. C. 462, 124 S. E. (2d) 124 (1962); Schloss v. Jamison, 258 N. C. 271, 128 S. E. (2d) 590 (1962).

An exception to the signing of an order granting a temporary injunction presents the questions whether the facts found are sufficient to support the conclusions of law and the order granting a temporary injunction entered pursuant thereto, and whether there is error of law appearing on the face of the record proper. Schloss v. Jamison, 258 N. C. 271, 128 S. E. (2d) 590 (1962).

Where the defendant did not assign the failure to allow his motion of nonsuit as error, on appeal the Supreme Court could not consider any of the questions which were raised by the motion for nonsuit. State v. Overman, 257 N. C. 464, 125 S. E. (2d) 920 (1962).

An exception to the signing of the judgment presents nothing for review except whether or not the court's conclusion of law is supported by the finding or findings of fact; such exception does not challenge the correctness of any findings of fact. Cratch v. Taylor, 256 N. C. 462, 124 S. E. (2d) 124 (1962).

Applied in Suits v. Old Equity Life Ins. Co., 241 N. C. 483, 85 S. E. (2d) 602 (1955); Rigsbee v. Perkins, 242 N. C. 502, 87 S. E. (2d) 926 (1955); Travis v. Johnston, 244 N. C. 713, 95 S. E. (2d) 94 (1956); State v. Jones, 249 N. C. 134, 105 S. E. (2d) 513 (1958); State v. Mercer, 249 N. C. 371, 106 S. E. (2d) 866 (1959); State v. Pearson, 258 N. C. 188, 128 S. E. (2d) 251 (1962); State v. Brown, 263 N.C. 786, 140 S.E.2d 413 (1965); Nicholson v. Dean, 267 N.C. 375, 148 S.E.2d 247 (1966).

Quoted in Bailey v. Westmoreland, 251 N. C. 843, 112 S. E. (2d) 517 (1960); Jocie Motor Lines, Inc. v. International Bhd. of Teamsters, 260 N.C. 315, 132 S.E.2d 697 (1963).

Stated in E. L. Lowie & Co. v. Atkins, 245 N. C. 98, 95 S. E. (2d) 271 (1956).

Cited in State v. Gordon, 241 N. C. 356, 85 S. E. (2d) 322 (1955); Cannon v. Wilmington, 242 N. C. 711, 89 S. E. (2d) 595 (1955); Hughes v. Anchor Enterprises, Inc., 245 N. C. 131, 95 S. E. (2d) 577 (1956); Woody v. Pickelsimer, 248 N. C. 599, 104 S. E. (2d) 273 (1958); Harriet Cotton Mills v. Local Union No. 578, 251 N C. 218, 111 S. E. (2d) 457 (1959); State v. Thornton, 251 N. C. 658, 111 S. E. (2d) 901 (1960); State v. Wilson, 252 N. C. 640, 114 S. E. (2d) 786 (1960); Tindal v. Mills, 265 N.C. 716, 144 S.E.2d 902 (1965).

II. CORROBORATIVE AND CONTRADICTORY EVIDENCE.

Failure to refer in the charge to the difference between substantive evidence and corroborative evidence and to define each of these terms is not ground for exception. State v. Lee, 248 N. C. 327, 103 S. E. (2d) 295 (1958).

Evidence Competent for Some Purpose.—

Ordinarily, where evidence admissible for some purposes, but not for all, is admitted generally, its admission will not be held for error unless the appellant requested at the time of its admission that its purpose be restricted. State v. Corl, 250 N. C. 252, 108 S. E. (2d) 608 (1959).

Evidence Not Competent for Any Purpose against Objecting Party.—The portion of this rule which reads, "nor will it be ground of exception that evidence competent for some purposes, but not for all, is admitted generally, unless the appellant asks, at the time of admission, that its purpose shall be restricted," refers to a factual situation where the evidence is competent for some purpose, but not for all, against the objecting defendant, e. g., where the evidence is competent for the purpose of corroborating or contradicting the testimony of a witness. This clause has no application when, as in the instant case, the evidence is not competent for any purpose against the objecting defendant. State v. Franklin, 248 N. C. 695, 104 S. E. (2d) 837 (1958).

25. Mimeographed Records and Briefs

Counsel may file in lieu of printed records and briefs 25 mimeographed copies thereof, to be prepared under the immediate supervision and direction of the clerk of this Court, the cost of such copies not to exceed $1.15 per page of an average of 40 lines and 400 words to the page: Provided, however, that it shall be permissible and optional with counsel to file printed transcripts and briefs when it is possible to print such documents without unnecessary delay and inconvenience to the Court and appellee's counsel, and within time for an appeal to be heard in its regular order under Rule 5.

The clerk of this Court is required to purchase the stencil sheets, arrange all matter to be mimeographed for the operator, to supervise the work and to index the mimeographed transcripts and mail copies promptly to counsel. A cash deposit covering estimated cost of this work is required as in Rule 23 under the same penalty as therein prescribed for failure to pay the account due for such work.

In criminal actions, counsel for appellant, upon delivering a copy of his manuscript record of the statement of the case on appeal, as agreed to by counsel or as settled by the court, to the clerk of this Court to be printed or mimeographed, shall file an extra copy with the clerk for use by the Attorney General.

Editor's Note.—

The amendment effective July 1, 1955, increased the maximum cost of mimeographed copies from $1.35 to $1.40 per page.

The amendment effective December 3, 1957, increased the maximum cost of mimeographed copies from $1.40 to $1.45 per page.

The amendment adding the third paragraph became effective December 1, 1959.

The amendment effective July 1, 1963, reduced the maximum cost of mimeographed copies from $1.45 to $1.15 per page.

27½. Statement of the Questions Involved

Rules Mandatory.—The rules of practice of the Supreme Court are mandatory. Jim Walter Corp. v. Gilliam, 260 N.C. 211, 132 S.E.2d 313 (1963).

Assignments of Error.—The purported assignments of error will not be considered by the court where they do not throw the slightest light on the questions the court is asked to pass upon and do not comply with this rule. Tillis v. Calvine Cotton Mills, Inc., 244 N. C. 587, 94 S. E. (2d) 600 (1956).

Assignments of error as to the admission of evidence did not comply with this rule. Bridges v. Graham, 246 N. C. 371, 98 S. E. (2d) 492 (1957).

Applied in Daniel v Butler Lumber Co., 254 N. C. 504, 119 S. E. (2d) 397 (1961); State Highway Comm'n v. Luck, 263 N.C. 125, 139 S.E.2d 8 (1964); Mangum v. Yow, 263 N.C. 525, 139 S.E.2d 537 (1965).

28. Appellant's Brief

The brief of appellant shall set forth a succinct statement of the facts necessary for understanding the exceptions, except as to an exception that there was no evidence, it shall be sufficient to refer to pages of printed transcript containing the evidence. Such brief shall contain, properly numbered, the several grounds of exception and assignment of error with reference to printed pages of transcript, and the authorities relied on classified under each assignment; and if statutes are material, the same shall be cited by the book, chapter, and section. Exceptions in the record not set out in appellant's brief, or in support of which no reason or argument is stated or authority cited, will be taken as abandoned by him. Such briefs when filed shall be noted by the clerk on the docket, and a copy thereof furnished by him to opposite counsel on application.

Appellant shall, upon delivering a copy of his manuscript brief to the printer to be printed or to the clerk of this Court to be printed or mimeographed, immediately mail or deliver to appellee's counsel a carbon typewritten copy thereof. If the printed or typewritten copies to be mimeographed of appellant's brief have not been filed with the clerk of this Court, and no typewritten copy has been delivered to appellee's counsel by 12 o'clock noon on the third Tuesday preceding the call of the district to which the case belongs, the appeal will be dismissed on motion of appellee, when the call of that district is begun, unless for good cause shown the Court shall give further time to print the brief.

Editor's Note.—

The amendment, effective July 1, 1961, changed the words "mimeographed copies" in line four of the second paragraph to "typewritten copies to be mimeographed" and substituted the word "third" for the word "second" in line six of that paragraph.

Rules Mandatory.—The rules of practice of the Supreme Court are mandatory. Jim Walter Corp. v. Gilliam, 260 N.C. 211, 132 S.E.2d 313 (1963).

Exceptions Not Discussed Deemed Abandoned.—

See Keith v. Wilder, 241 N. C. 672, 86 S. E. (2d) 444 (1955).

In accord with 1st paragraph in original. See Edgewood Knoll Apartments, Inc. v. Braswell, 239 N. C. 560, 80 S. E. (2d) 653 (1954); State v. Atkins, 242 N C. 294, 87 S. E. (2d) 507 (1955); Hardison v. Gregory, 242 N C. 324. 88 S. E (2d) 96 (1955); In re Knight's Will, 250 N. C. 634, 109 S. E. (2d) 470 (1959); Evans v. Queen City Coach Co., 251 N. C. 324. 111 S. E. (2d) 187 (1959); State v. Williams 255 N. C. 82, 120 S. E. (2d) 442 (1961).

In accord with 3rd paragraph in original. See Moore v. New York Life Ins. Co., 266 N.C. 440, 146 S.E.2d 492 (1966).

In accord with 5th paragraph in original. See State v. Thomas, 244 N. C. 212, 93 S. E (2d) 63 (1956); Henderson Cotton Mills v. Local Union No. 584, 251 N. C. 240, 111 S. E. (2d) 471 (1959); State v. Rose, 251 N. C. 281 111 S. E. (2d) 311 (1959); State v. Coleman, 253 N. C. 799, 117 S. E. (2d) 742 (1961); Sandy v. Stackhouse, Inc., 258 N. C. 194, 128 S. E. (2d) 218 (1962); State v. Arnold, 258 N. C. 563, 129 S. E. (2d) 229 (1963); State v. Spence, 271 N.C. 23, 155 S.E.2d 802 (1967).

In accord with 8th paragraph in original. See Elliott v. Killian, 242 N. C. 471, 87 S. E. (2d) 903 (1955); Friday v. Adams, 251 N. C. 540, 111 S. E. (2d) 893 (1960);

State v. Strickland, 254 N C. 658, 119 S. E. (2d) 781 (1961); Bass v. Mecklenburg County, 258 N. C. 226, 128 S. E. (2d) 570 (1962).

In accord with 10th paragraph in original. See Henderson Cotton Mills v. Local Union No. 584, 251 N. C. 234, 111 S. E. (2d) 476 (1959).

In accord with 11th paragraph in original. See Ford v. Blythe Bros. Co., 242 N. C. 347, 87 S. E. (2d) 879 (1955).

In accord with 12th paragraph in original. See Little v. Power Brake Co., Inc., 255 N. C. 451, 121 S. E. (2d) 889 (1961); State v. Hart, 256 N. C. 645, 124 S. E. (2d) 816 (1962); State v. Woolard, 260 N.C. 133, 132 S.E.2d 364 (1963); Taylor v. Twin City Club, 260 N.C. 435, 132 S.E.2d 865 (1963); White v. Cothran, 260 N.C. 510, 133 S.E.2d 132 (1963); State v. Goldberg, 261 N.C. 181, 134 S.E.2d 334 (1964); State v. Anderson, 263 N.C. 124, 139 S.E.2d 6 (1964); State v. Fenner, 263 N.C. 694, 140 S.E.2d 349 (1965); Martin v. Underhill, 265 N.C. 669, 144 S.E.2d 872 (1965); State v. Stubbs, 266 N.C. 295, 145 S.E.2d 899 (1966); McDonald v. Moore Sheet Metal & Heating Co., 268 N.C. 496, 151 S.E.2d 27 (1966).

Assignments of error in support of which no argument is made or authority cited are deemed abandoned. State v. Cole, 241 N. C. 576, 86 S. E. (2d) 203 (1955); State v. Faulkner, 241 N. C. 609, 86 S. E. (2d) 81 (1955); Peek v. Wachovia Bank & Trust Co., 242 N. C. 1, 86 S. E. (2d) 745 (1955); Ammons v. Layton, 242 N. C. 122, 86 S. E. (2d) 915 (1955); Hatcher v. Clayton, 242 N. C. 450, 88 S. E. (2d) 104 (1955); Waddell v. Carson, 245 N. C. 669, 97 S. E. (2d) 222 (1957); Horton v. Redevelopment Comm'n, 262 N.C. 306, 137 S.E.2d 115 (1964).

Assignments of error are expressly waived or abandoned for failure to bring them forward in the brief and argue them. Becker v. Becker, 262 N.C. 685, 138 S.E.2d 507 (1964).

While defendant had in the record assignments of error, they were not brought forward and discussed in its brief, and were deemed abandoned by it. Spartan Equip. Co. v. Air Placement Equip. Co., 263 N.C. 549, 140 S.E.2d 3 (1965).

Where plaintiff's exceptions are not brought forward in his brief, they are abandoned. Smith v. Simpson, 260 N.C. 601, 133 S.E.2d 474 (1963).

A ground of objection not discussed by appellants in their brief is deemed abandoned. Reynolds v. Earley, 241 N. C. 521, 85 S. E. (2d) 904 (1955).

Where no reason or argument is stated or authority cited in the brief in support of an assignment of error, such assignment is taken as abandoned. J. A. Jones Constr. Co. v. Local Union 755, etc., 246 N. C. 481, 98 S. E. (2d) 852 (1957); State v. Newton, 251 N. C. 151, 110 S. E. (2d) 810 (1959); State v. Coffey, 255 N. C. 293, 121 S. E. (2d) 736 (1961); State v. Pearson, 258 N. C. 188, 128 S. E. (2d) 251 (1962).

An exception to excerpt from a charge unsupported by argument or citation of authority is deemed abandoned. Peek v. Wachovia Bank & Trust Co., 242 N. C. 1, 86 S. E. (2d) 745 (1955).

In the absence of a showing, by statement of reason or argument or citation of authority, that the statute of limitations pleaded is relevant as a defense, error in striking this defense did not appear. Dunn v. Dunn, 242 N. C. 234, 87 S. E. (2d) 308 (1955).

Exceptions relating to peremptory instructions as brought forward in the brief unsupported by argument or citation of authority will be treated as abandoned. Rhodes v. Raxter, 242 N. C. 206, 87 S. E. (2d) 265 (1955).

An exception that the trial judge did not sign the judgment was taken as abandoned where no argument was stated or authority cited. State v. Atkins, 242 N. C. 294, 87 S. E. (2d) 507 (1955).

Where defendants have not argued in their brief their assignment of error to the failure of the court below to sustain their motion for judgment as of nonsuit interposed at the close of all the evidence, this assignment of error will be taken as abandoned under this rule. Textile Motor Freight, Inc. v. DuBose, 260 N.C. 497, 133 S.E.2d 129 (1963).

Where the sole reference in its brief to any exception or assignment of error merely discussed the failure of the court to grant its motion for judgment of nonsuit, the appellant's brief as to the questions discussed in it did not conform with this rule. Cudworth v. Reserve Life Ins. Co., 243 N.C. 584, 91 S. E. (2d) 580 (1956).

Exceptions and assignments of error not brought forward in the brief are deemed abandoned. Tart v. Register, 257 N. C. 161, 125 S. E. (2d) 754 (1962).

Assignments of error not set out in appellant's brief and in respect to which no reason or argument is stated or authority cited will be deemed abandoned. Young v. Lowie, 265 N.C. 456, 144 S.E.2d 204 (1965).

Where appellant does not bring forward into his brief or cite therein any authorities in support of his assignment of error with reference to the overruling of his motion to set aside the verdict as being against the greater weight of the evidence and, on that ground, to grant a new trial, such assignment is deemed abandoned. Martin v. Underhill, 265 N.C. 669, 144 S.E.2d 872 (1965).

Where exceptions are not set out in the brief and no argument or authority is stated in regard to them, under this rule they are deemed abandoned. State v. Stafford, 267 N.C. 201, 147 S.E.2d 925 (1966).

Where each defendant assigns as error the denial of his motion for judgment of nonsuit, but this assignment of error by each defendant is not brought forward and discussed in their joint brief, it is deemed to be abandoned by each defendant. State v. Covington, 267 N.C. 292, 148 S.E.2d 138 (1966).

Assignments of error set forth in the record but not brought forward in the brief are deemed abandoned. Long v. Thompson, 267 N.C. 310, 148 S.E.2d 127 (1966).

Assignments of error are deemed abandoned where the brief contains no authority or discussion relating thereto. Mathis v. Siskin, 268 N.C. 119, 150 S.E.2d 24 (1966).

An exception not brought forward and discussed in defendant's brief will be taken as abandoned by defendant. State v. Majors, 268 N.C. 146, 150 S.E.2d 35 (1966).

An assignment of error as to the court's failure to grant a motion for a directed verdict, not brought forward and discussed in the brief, is deemed to be abandoned. Chalmers v. Womack, 269 N.C. 433, 152 S.E.2d 505 (1967).

Exceptions to the judgment of the superior court, and assignments of error based thereon, which are not brought forward in the appellant's brief and in support of which his brief cites no argument or authority, are deemed abandoned. Branch v. State, 269 N.C. 642, 153 S.E.2d 343 (1967).

Plaintiffs' assignments of error relating to certain exceptions to the admission and exclusion of evidence were deemed abandoned, the brief filed by the plaintiffs containing no argument or citation of authority in support of these exceptions or any other reference thereto. Pendergrass v. Massengill, 269 N.C. 364, 152 S.E.2d 657 (1967).

Late filing of appellant's brief works an abandonment of the assignments of error, except those appearing on the face of the record, which are cognizable ex moro motu State v. Lynn, 251 N. C. 703, 111 S. E. (2d) 866 (1960).

Where the defendant did not assign the failure to allow his motion of nonsuit as error, on appeal the Supreme Court could not consider any of the questions which were raised by the motion for nonsuit. State v. Overman, 257 N. C. 464, 125 S. E. (2d) 920 (1962).

Rule not complied with in State v. Stubbs, 266 N.C. 274, 145 S.E.2d 896 (1966).

Applied in State v. Floyd, 241 N. C. 79, 84 S. E. (2d) 299 (1954); State v. Willard, 241 N. C. 259, 84 S. E. (2d) 899 (1954); Commercial Credit Corp. v. Robeson Motors, Inc., 243 N. C. 326, 90 S. E. (2d) 886 (1956); State v. Garner, 244 N. C. 79, 92 S. E. (2d) 445 (1956); State v. Hairr, 244 N. C. 506, 94 S. E. (2d) 472 (1956); Paul v. Neece, 244 N. C. 565, 94 S. E. (2d) 596 (1956); Lieb v. Mayer, 244 N. C. 613, 94 S. E. (2d) 658 (1956); Watson v. General Acci. Fire & Life Assur. Corp., 244 N. C. 696, 94 S. E. (2d) 839 (1956); State v. Cauley, 244 N. C. 701, 94 S. E. (2d) 915 (1956); Robinson v. Thomas, 244 N. C. 732, 94 S. E. (2d) 911 (1956); State v. Adams, 245 N. C. 344, 95 S. E. (2d) 902 (1957); Beasley v. McLamb, 247 N. C. 179, 100 S. E. (2d) 387
220, 100 S. E. (2d) 339 (1957); State v.
(1957); Speights v. Carraway, 247 N. C.
Bunton, 247 N. C. 510, 101 S. E. (2d) 454 (1958); State v. Knight, 247 N. C. 754, 102 S. E. (2d) 259 (1958); Beaty v. International Ass'n of Heat & Frost Insulators, etc., 248 N. C. 170, 102 S. E. (2d) 763 (1958); State v. Lee, 248 N. C. 327, 103 S. E. (2d) 295 (1958); Taylor v. Hunt, 248 N. C. 330, 103 S. E. (2d) 287 (1958); Coffey v. Geer, 249 N. C. 256, 106 S. E. (2d) 209 (1958); Wall v. Trogdon, 249 N. C. 747, 107 S. E. (2d) 757 (1959); State v. Perry, 250 N. C. 119, 108 S. E. (2d) 447 (1959); DeBruhl v. Harvey & Son Co., 250 N. C. 161, 108 S. E. (2d) 469 (1959); State v. Corl, 250 N. C. 258, 108 S. E. (2d) 615 (1959); State v. Corl, 250 N. C. 262, 108 S. E. (2d) 613 (1959); Darroch v. Johnson, 250 N. C. 307, 108 S. E. (2d) 589 (1959); Millas v Coward, 251 N. C. 88, 110 S. E. (2d) 606 (1959); State v. Avent, 253 N. C. 580 118 S. E. (2d) 47 (1961); Harris & Harris Constr. Co., Inc. v. Crain & Denbo, Inc., 256 N. C. 110, 123 S. E. (2d) 590 (1962); Johnson v. Bass, 256 N. C. 716, 125 S. E. (2d) 19 (1962); Seawell v. Brame, 258 N. C. 666. 129 S. E. (2d) 283 (1963); State v. Cox, 262 N.C. 609, 138 S.E.2d 224 (1964); State v. Brown, 263 N.C. 786, 140 S.E.2d 413 (1965); State

v. Hamilton, 264 N.C. 277, 141 S.E.2d 506 (1965); State v. Mohrmann, 265 N.C. 594, 144 S.E.2d 645 (1965); Dawson v. Carolina Power & Light Co., 265 N.C. 691, 144 S.E.2d 831 (1965); Morgan v. Great Atl. & Pac. Tea Co., 266 N.C. 221, 145 S.E.2d 877 (1966); State v. Sellers, 266 N.C. 734, 147 S.E.2d 225 (1966); State v. Smith, 267 N.C. 659, 148 S.E.2d 573 (1966); State v. Spears, 268 N.C. 303, 150 S.E.2d 499 (1966); State v. Barber, 270 N.C. 222, 154 S.E.2d 104 (1967); State v. Midyette, 270 N.C. 229, 154 S.E.2d 66 (1967); State v. Little, 270 N.C. 234, 154 S.E.2d 61 (1967); State v. Rose, 270 N.C. 406, 154 S.E.2d 492 (1967).

Quoted in Drumwright v. Wood, 266 N.C. 198, 146 S.E.2d 1 (1966).

Stated in Cooperative Warehouse v. Lumberton Tobacco Board of Trade, 242 N. C. 123, 87 S. E. (2d) 25 (1955).

Cited in State v. Gordon, 241 N. C. 356, 85 S. E. (2d) 322 (1955); State v. McNeely, 244 N. C. 737, 94 S. E. (2d) 853 (1956); Conrad v. Conrad, 252 N. C. 412, 113 S. E. (2d) 812 (1960); Harvel's, Inc. v. Eggleston, 268 N.C. 388, 150 S.E.2d 786 (1966).

29. Appellee's Brief

The appellee shall file printed or typewritten copies for mimeographing with the clerk of this Court by noon of the second Tuesday preceding the call of the district to which the case belongs and the same shall be noted by the clerk on his docket and a copy furnished by the clerk, on application, to counsel for appellant. It is not required that the appellee's brief shall contain a statement of the case. On failure of the appellee to file his brief by the time required, the cause will be heard and determined without argument from appellee unless for good cause shown the Court shall give appellee further time to file his brief.

Editor's Note.—

The amendment, effective July 1, 1961, substituted in line one the words "printed or typewritten copies for mimeographing" for "25 printed or mimeographed briefs" and inserted "the second" before "Tuesday" in line two.

34. Certiorari

Rule Strictly Applied.—Failure to comply strictly with the regulations contained in this rule will result in a dismissal. In re McCoy, 233 F. Supp. 409 (E.D.N.C. 1964).

Appeal by Person without Counsel Treated as Petition for Certiorari.—Where plaintiff, appearing in propria persona because of an asserted inability to employ counsel, fails to comply with the rules of court governing appeals, the Supreme Court, in the exercise of its supervisory jurisdiction, may treat the purported appeal as a petition for certiorari. Huffman v. Douglass Aircraft Co., 260 N.C. 308, 132 S.E.2d 614 (1963).

36. Motions

Only Motions in Writing Entertained.—In accord with original See Hoyle v. Bagby, 253 N. C. 778, 117 S. E. (2d) 760 (1961).

Applied in Oliver v. Williams, 266 N.C. 601, 146 S.E.2d 648 (1966).

37. Abatement and Revivor

Applied in Simmons v. Rogers, 247 N. C. 340, 100 S. E. (2d) 849 (1957).

38. Certification of Decisions

The clerk shall, on the first Monday in each month, transmit, by some safe hand, or by mail to the clerks of the Superior Courts, certificates of the decisions of the Supreme Court which shall have been on file ten days, in cases sent from said court. General Statutes, § 7-16. But the Court in its discretion may order an opinion certified down at an earlier day. Upon final adjournment of the Court, the clerk shall at once certify to the Superior Courts all of the decisions not theretofore certified.

The clerk of this Court shall, and he is hereby directed, to transmit to the proper clerks of the Superior Courts, certificates of the decisions of the Supreme Court on the second Monday after the written opinions of the Court are filed in his office, unless otherwise directed, as provided in Rule 38 of the Rules of Practice in the Supreme Court.

Editor's Note.—The Supreme Court order adding the second paragraph was adopted March 22, 1955.

41. Repealed.

Cross Reference.—For present statutory provisions as to library and librarian, see G.S., § 7A-13.

Editor's Note.—This rule was repealed effective December 7, 1967.

44. Petition to Rehear

(1) When Filed.

This rule prescribes the procedure for the correction of errors by the Supreme Court. Nowell v. Neal, 249 N. C. 516, 107 S. E. (2d) 107 (1959).

(1.1) RULES OF PRACTICE IN THE COURT OF APPEALS OF NORTH CAROLINA

Submitted to the Supreme Court of North Carolina by the Court of Appeals of North Carolina and approved and adopted in conference by the Supreme Court of North Carolina on September 25, 1967. (See G.S. 7A-16 and G.S. 7A-33.)

Rule

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2. Definitions.
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4. Appeals—When Not Entertained.
5. Appeals—When Heard.
6. Appeals—Criminal Actions.
    (a) Appeal Bond.
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    (c) When Appeal Abates.
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7. Call of Judicial Districts.
8. End of Docket.
9. Call of Docket.
10. Submission on Briefs.
11. Briefs Not Received After Argument.
12. Briefs Regarded as Personal Appearance.
13. When Case May Be Heard Out of Order.
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15. Appeal Dismissed if Not Prosecuted.
16. Motion to Dismiss Appeal — When Made.
17. Appeal Dismissed for Failure to Docket in Time.
    (1) Appeal Docketed by Appellee When Frivolous and Taken for Purposes of Delay.
18. Appeal Docketed and Dismissed Not to Be Reinstated Until Appellant Has Paid Costs.
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Rule

20. Pleadings.
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Rule
47. Additional Sessions of Court—Reconvening Court.
48. Noncompliance with Rules.

Rule
49. Remedial Writs.
Fee Bill—Clerk of the Court of Appeals.

1. Sessions.

It has been determined by the Chief Judge that, until due notice is given otherwise, there will be two sessions of the Court each year: A Spring Session beginning on the fourth Monday in January, which shall have two calls of the districts; and a Fall Session beginning on the third Monday in August, which shall have one call of the districts.

2. Definitions.

(a) When the words "trial tribunal" are used in these rules, they include any judge, court, administrative agency, commission, or other body from which an appeal may be taken to this Court pursuant to law.

3. Appeals—How Docketed.

Each appeal shall be docketed from the judicial district to which it properly belongs, and appeals in criminal cases from each district shall be placed at the head of the docket for the district. Appeals in both civil and criminal cases shall be docketed each in its own class, in the order in which they are filed with the clerk.

4. Appeals—When Not Entertained.

The Court of Appeals will not entertain an appeal:

(a) From an order overruling a demurrer except when the demurrer is interposed as a matter of right for misjoinder of parties and causes of action. The movant may enter an exception to the order overruling the demurrer and present the question thus raised to this Court on the final appeal; provided that when the demurrant conceives that the order overruling his demurrer will prejudicially affect a substantial right to which he is entitled unless the ruling of the Court is reviewed on appeal prior to the trial of the cause on its merits, he may petition this Court for a writ of certiorari within thirty days from the date of the entry of the order overruling the demurrer.

(b) From an order striking or denying a motion to strike allegations contained in pleadings. When a party conceives that such order will be prejudicial to him on the final hearing of said cause, he may petition this Court for a writ of certiorari within thirty days from the date of the entry of the order.

5. Appeals—When Heard.

In order for an appeal to stand for hearing at any call of any session of this Court, the record on appeal must be docketed at least twenty-eight days before the call of the district to which the case belongs, and if so docketed, shall be heard at the next ensuing call of the district, unless for cause it is continued. With respect to appeals from the Industrial Commission, "the district to which the case belongs" shall mean the county in which the alleged accident happened, or in which the employer resides, or in which the employer has his principal office.

If the record on appeal is not docketed within ninety days after the date of the judgment, order, decree, or determination appealed from, the case may be dismissed under Rule 17, if the appellee shall file a proper certificate prior to the docketing of such record on appeal; provided, the trial tribunal may, for good cause, extend the time not exceeding sixty days, for docketing the record on appeal.

6. Appeals—Criminal Actions.

Appeals in criminal cases, docketed twenty-eight days before the call of the docket for their districts, shall be heard before the appeals in civil cases from said districts. Criminal appeals docketed after the time above stated and docketed for at least twenty-eight days shall be called immediately at the close of argument of appeals from the Eighth District in the order of filing, unless for cause otherwise ordered, and shall have priority over civil cases placed at the end of the docket.

(a) *Appeal Bond.* If a justified appeal bond (except in pauper appeals) is not filed with the record on appeal, as required by G.S. 1-286, the appeal will be dismissed.

(b) *Pauper Appeals.* See Rule 22.

(c) *When Appeal Abates.* See Rule 37.

(d) *Appeal Dismissed if Record on Appeal Not Printed or Mimeographed or Otherwise Reproduced as Provided by Rule.* See Rule 24.

7. Call of Judicial Districts.

Appeals to the Court of Appeals from the judicial districts of the State will be called for hearing in the following order, unless otherwise ordered under G.S. 7A-19 (c):

Third Division (1st through 3rd weeks of session)
  From the Seventeenth and Twenty-first Districts, the first week of the session
  From the Eighteenth and Nineteenth Districts, the second week of the session
  From the Twentieth, Twenty-second and Twenty-third Districts, the third week of the session

Second Division (5th through 7th weeks of session)
  From the Ninth, Twelfth and Thirteenth Districts, the fifth week of the session
  From the Tenth and Eleventh Districts, the sixth week of the session
  From the Fourteenth, Fifteenth and Sixteenth Districts, the seventh week of the session

Fourth Division (10th and 11th weeks of session)
  From the Twenty-sixth, Twenty-ninth and Thirtieth Districts, the tenth week of the session
  From the Twenty-fourth, Twenty-fifth, Twenty-seventh and Twenty-eighth Districts, the eleventh week of the session

First Division (14th and 15th weeks of session)
  From the First, Second, Third and Seventh Districts, the fourteenth week of the session
  From the Fourth, Fifth, Sixth and Eighth Districts, the fifteenth week of the session.

A second call of the districts in the Spring Session will be held as follows:

During the Eighteenth through the Twenty-second weeks of the Spring Session, this Court will set for hearing those appeals which have been docketed too late for the first call of the districts but at least twenty-eight days before the second call, and they will be called for hearing in the following order, unless otherwise ordered by the Court:

Third Division (18th and 19th weeks of session)
  From the Seventeenth, Eighteenth, and Twenty-first Districts, the eighteenth week of the session
  From the Nineteenth, Twentieth, Twenty-second and Twenty-third Districts, the nineteenth week of the session

Second Division (21st week of session)
  From the Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Districts, the twenty-first week of the session

Fourth and First Divisions (22nd week of session)
  From the Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Districts, the twenty-second week of the session.

8. End of Docket.

At the Spring Session, causes not reached and disposed of during the period allotted to each district, and those for any other cause put to the foot of the docket, shall be called at the close of argument of appeals from the Eighth District, and each cause, in its order tried or continued, subject to Rule 6.

At the Fall Session, appeals in criminal cases only will be heard at the end of the docket, unless the Court for special reason shall set a civil appeal to be heard at the end of the docket at that session.

At either session the Court in its discretion may place cases not reached on the call of a district at the end of the call of some other district.

9. Call of Docket.

Each appeal shall be called in its proper order. If any party shall not be ready, the appeal, if in a civil action, may be put to the foot of the district by consent of counsel or for cause, and be again called when reached, if the docket shall be called a second time; otherwise, the first call shall be peremptory. At the first week of each session of the Court in the year a cause may, by consent of the Court, be put to the foot of the docket; if no counsel appear for either party at the first call, it will be put at the end of the district, unless a printed brief is filed by one of the parties; and if none appear at the second call, it will be continued, unless the Court shall otherwise direct. Appeals in criminal actions will be called peremptorily for argument on the first call of the docket, unless for good cause assigned.

10. Submission on Briefs.

By consent of counsel, any case may be submitted without oral argument, upon briefs by both sides, without regard to the number of the case on the docket, or date of docketing the appeal. Such consent must be signed by counsel of both parties and filed, and the clerk shall make a note thereof on the docket; but the Court, notwithstanding, may direct an oral argument to be made, if it shall deem best.

An appeal submitted under this rule must be docketed before the twenty-first week of the Spring Session, or the fourteenth week of the Fall Session has been entered upon, unless it appears to the Court from the record that there has been no delay in docketing the appeal, and that it has been docketed as soon as practicable, and that public interest requires a speedy hearing of the case.

11. Briefs Not Received After Argument.

When the case is argued orally on the regular call of the docket, in behalf of only one of the parties, no written argument for the other party will be received, unless it is filed before the oral argument begins. No brief or written argument will be received after a case has been argued or submitted, except upon leave granted in open court, after notice to opposing counsel.

12. Briefs Regarded as Personal Appearance.

When a case has been scheduled for oral argument and is reached on the regular call of the docket, in the event of the absence of counsel for either or both sides, the briefs shall be considered as personal appearance.

13. When Case May Be Heard Out of Order.

In cases where the State is concerned, involving or affecting some matter of general public interest, the Court may, upon motion of the Attorney General, assign an earlier place on the calendar, or fix a day for the argument thereof, which shall take precedence of other business. Similarly the Court in its judgment may make a like assignment at the instance of a party to a cause which directly involves the right to a public office, or at the instance of a party arrested in a civil action who is in jail by reason of inability to give bond or from the refusal of the Court to discharge him, or in other cases of sufficient importance.

14. When Cases May Be Heard Together.

Two or more cases involving the same question may, by order of the Court, be heard together and argued as one case.

15. Appeal Dismissed if Not Prosecuted.

Cases not prosecuted within twelve months after docketing shall, when reached in order thereafter, be dismissed at the cost of the appellant, unless the same, for sufficient cause, shall be continued. When so dismissed, the appellant may, not later than the corresponding week of the next succeeding session, move for cause to have the same reinstated, on notice to the appellee.

16. Motion to Dismiss Appeal—When Made.

A motion to dismiss an apppeal for noncompliance with the requirements of the statutes or rules of Court in perfecting an appeal must be made in writing and filed with the clerk of this Court, together with a copy for opposing counsel, at or before entering upon the argument of the appeal upon its merits and such motion must set out the grounds of noncompliance. Such motion will be allowed unless such compliance be shown in the record or a waiver thereof appear therein, or such compliance is dispensed with by a writing signed by the appellee or his counsel, or unless this Court shall allow appropriate amendments.

17. Appeal Dismissed for Failure to Docket in Time.

If the appellant shall fail to bring up and file the record on appeal before the call of cases from the district to which the case belongs, by failure to comply with Rule 5, the appellee may file with the clerk of this Court a motion to docket and dismiss at appellant's cost. The appellee must file a certificate of the clerk or comparable officer of the trial tribunal from which the appeal comes, showing the names of the parties thereto, the time when the judgment, order, decree, or determination was entered, and appeal therefrom taken, the name of the appellant, and the date of the settling of the case on appeal, if any has been settled. The motion may be allowed within ten days or at the first session of the Court thereafter, with leave to the appellant within thirty days and after five days' notice to the appellee to apply for the redocketing of the cause; provided, that such motion of appellee to docket and dismiss the appeal will not be considered unless the appellee, before making such motion to dismiss, has paid the clerk of this Court the fee charged by the statute or rule of Court for docketing an appeal, the fee for preparing and entering judgment, and the determination fee; execution for such amount to issue in favor of appellee against appellant.

(1) *Appeal Docketed by Appellee When Frivolous and Taken for Purposes of Delay.* A record on appeal which is obviously frivolous and appears to have been taken only for purposes of delay, may be docketed in this Court by appellee before the time required by Rule 5, and if it appears to the Court that the appellee's contention is correct, the appeal will be dismissed at cost of appellant.

18. Appeal Docketed and Dismissed Not to Be Reinstated Until Appellant Has Paid Costs.

When an appeal is dismissed by reason of the failure of the appellant to bring up a record on appeal as provided in Rule 5 and Rule 17, no order shall be made setting aside the dismissal or allowing the appeal to be reinstated, even though the appellant may be otherwise entitled to such order, until the appellant has paid to the clerk of this Court for the use and benefit of the appellee the costs of the appellee in procuring the certificate and in causing the same to be docketed and the appeal dismissed.

19. Record on Appeal.

(a) *What to Contain and How Arranged.* In every record on appeal brought to this Court the trial tribunal and the presiding Judge shall be identified, the appealing party shall be identified, and proceedings shall be set forth in the order of the time in which they occurred, and the processes, orders, and documents included in the record on appeal shall be identified by their title or heading, and shall be arranged to follow each other in the order that they were filed. Every pleading, motion, affidavit, or other document included in the record on appeal shall plainly show the date on which it was filed and, if verified, the date of the verification and the name of the person who verified it. Every order, judgment, decree, and determination shall show the date on which it was signed and the date on which it was filed.

The pleadings on which the case was tried, the issues, and the order, judgment, decree, or determination appealed from shall be included in the record on appeal in all cases, and the charge of the Court where there is exception thereto. It shall not be necessary to include any affidavits, orders, processes, or documents not required for an understanding of the exceptions relied on, provided counsel so agree in writing, and such agreement is included; but, in the event of disagreement of counsel, the trial tribunal shall designate by written order what shall be included in the record on appeal.

This rule is subject to the power of this Court, in its discretion, to order additional parts of the record or proceedings to be sent up, and added to the record on appeal.

The pages of the record on appeal shall be numbered, and on the front thereof there shall be an index.

(b) *Two Appeals.* When there are two or more appeals in one action, only one copy of the record and the proceedings of the trial in the trial tribunal shall be necessary. In the event counsel cannot agree, the trial tribunal shall determine which of the methods described in Rule 19 (d) shall be followed, who is to prepare it, and the part of the costs to be advanced by each appealing party.

(c) *Exceptions Grouped.* All exceptions relied on shall be grouped and separately numbered immediately before the signature to the record on appeal. Exceptions not thus set out will be deemed to be abandoned.

(d) *Evidence—How Stated.* The evidence in record on appeal shall be in one of the two following methods:

(1) The evidence in record on appeal shall be in narrative form, and not by question and answer, except that a question and answer, or a series of them, may be set out when the subject of a particular exception. When this rule is not complied with, and the record on appeal is settled by the trial tribunal, this Court will in its discretion hear the appeal, or remand for a settlement of the record to conform to this rule. If the record is settled by agreement of counsel, or the statement of the appellant becomes the record on appeal, and the rule is not complied with, or the appeal is from a judgment of nonsuit, the appeal will be dismissed. In other cases, the Court will in its discretion dismiss the appeal, or remand for a settlement of the record on appeal.

(2) As an alternative to the above method (as a part of the record on appeal but not to be reproduced), the appellant shall cause the complete stenographic transcript of the evidence in the trial tribunal, as agreed to by the opposite party or as settled by the trial tribunal as the case may be, to be filed with the clerk of this Court and then the appellant in an appendix to his brief shall set forth in succinct language with respect to those witnesses whose testimony is deemed to be pertinent to the questions raised on appeal, what he says the testimony of such witness tends to establish with citation to the page of the stenographic transcript in support thereof. The opposite party in case of disagreement as to any portion of the appendix in appellant's brief may set forth in an appendix to his brief in succinct language what he says the testimony of a witness establishes with citation to the page of the stenographic transcript in support thereof.

(e) *Agreed Statement in Lieu of Record.* When the questions presented by an appeal can be determined without an examination of all of the pleadings, evidence, and proceedings in the trial tribunal, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the trial tribunal and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the appellate court. The statement may include or have annexed thereto such portions of the stenographic transcript of the testimony as the parties may desire. The statement may also include a designation by each of the parties of such portions of the original record below as they may desire to have presented to this Court. The statement shall include a copy of the judgment appealed from, and a concise statement of the points to be relied on by the appellant, and within twenty days of the filing of the notice of appeal, shall be presented to the trial tribunal for approval. The trial tribunal shall approve or disapprove the statement within ten days after its submission. If the statement conforms to the truth, it, together with such additions as the trial tribunal may consider necessary fully to present the questions raised by the appeal, shall be approved by the trial tribunal and shall then, together with such portions of the original record as may have been designated by the parties, be certified to this Court as the record on appeal.

(f) *Statement When No Stenographic Record Was Made.* In the event no stenographic record of the evidence or proceedings at a hearing or trial was made, the appellant shall, within ten days of the filing of the notice of appeal, prepare and serve on the respondent a statement of the evidence and proceedings from the best available sources, including his recollection, for use instead of a stenographic transcript. The respondent may serve objections or propose amendments thereto within ten days after service upon him. Thereupon the statement with the objections or proposed amendments, shall be submitted within ten days by the appellant to the trial tribunal for settlement and as settled and approved shall be included in the record on appeal. The trial tribunal shall settle the statement within ten days after its submission.

Note.—This rule does not apply to the cases referred to in G.S. 7A-195. See Rule 19 (g).

(g) *Appeals Involving Juvenile Cases.* In all appeals from the District Courts in cases involving juveniles pursuant to G.S. 7A-195 these rules shall apply with the exception that when notice of an appeal is given in such cases the District Court judge shall, within ten days thereafter, summarize the evidence and make findings of fact as required by the statute.

(h) *Unnecessary Portions of Record on Appeal—How Taxed.* The cost of copying and printing unnecessary and irrelevant matter not needed to explain the exceptions or errors assigned shall in all cases be charged to the appellant, unless it appears that they were sent up at the instance of the appellee, in which case the cost shall be taxed against him.

(i) *Records in Pauper Appeals.* See Rule 22.

(j) *Maps.* Three copies of every map, photograph, or diagram which is a part of the record on appeal, and which is applicable to the merits of the appeal, shall be filed with the clerk of this Court before such appeal is called for argument.

(k) *Appeal Bond.* See Rule 6 (a).

(l) The prosecution bond given in every case shall be sent up with the record on appeal. Such bond shall be justified and the justification shall name the county wherein the surety resides.

20. Pleadings.

(a) *When Deemed Frivolous.* Memoranda of pleadings will not be received or recognized in the Court of Appeals as pleadings, even by consent of counsel, but the same will be treated as frivolous and impertinent.

(b) *When Scandalous.* Pleadings containing scandalous or impertinent matter will, in a plain case, be ordered by the Court to be stricken from the record, or reformed; and for this purpose the Court may refer it to the clerk, or some member of the bar, to examine and report the character of the same.

(c) *Amendment.* This Court may amend any process, pleading, or proceedings, either in form or substance, for the purpose of furthering justice, on such terms as shall be deemed just, at any time before final determination by this Court, or may make proper parties to any case, where the Court may deem it necessary and proper for the purpose of justice, and on such terms as the Court may prescribe, at any time before final determination by this Court.

21. Exceptions. (See also Rule 19 (c)).

When appellant is required to serve a record on appeal, he shall set out in his statement of record on appeal his exceptions to the proceedings, ruling, or judgment of the court, briefly and clearly stated and numbered. When record on appeal is not required to be served, appellant shall file said exceptions in the office of the clerk or comparable officer of the trial tribunal, within ten days next after the entry of the judgment, order, decree, or determination, on or after the end of the session at which judgment is rendered, from which the appeal is taken, or in case of a ruling of the court in chambers and not during a session, within ten days after notice thereof. No exceptions not thus set out, or filed and made a part of the record on appeal, shall be considered by this Court, other than exceptions to the jurisdiction, or because the complaint does not state a cause of action, or motions in arrest for the insufficiency of an indictment.

22. Printing (Record on Appeal). (But see Rule 25).

Twenty-five copies of the record on appeal in every case docketed, except in pauper appeals, shall be printed and filed immediately after the case has been docketed, unless printed before the case has been docketed, in which event the printed copies shall be filed when the case is docketed. It shall not be necessary to print the summons and other papers showing service of process, if a statement signed by counsel is printed giving the names of all the parties and stating that summons has been duly served. Nor shall it be necessary to print formal parts of the record showing the organization of the court, the constitution of the jury, etc.

In pauper appeals the counsel for appellant may file nine legible typewritten copies of his brief, in lieu of printed copies, if he so elects, and such briefs must give a succinct statement of the facts applicable to the exceptions and the authorities relied on, and in pauper appeals the appellant may also file, in lieu of printed copies, if he so elects, nine legible typewritten copies of the record on appeal, in addition to the original record on appeal. Should the appellant prevail, the cost of preparing the typewritten briefs and record on appeal shall be taxed against the appellee, provided receipted statement of such cost is given the clerk of this Court before the case is decided.

The arrangement of the matter in the printed record on appeal shall follow the order prescribed by Rule 19.

23. How Printed.

The record on appeal, except the stenographic transcript referred to in Rule 19 (d) (2), shall be printed under the direction of the clerk of this Court, and in the same type and style, and pages of same size as the reports of this Court, unless it is printed before the appeal is docketed in the required style and manner. If it is to be printed here, the appellant or the party sending up the appeal shall send therewith to the clerk of this Court a cash deposit, sufficient to cover the cost of printing, which shall include ten cents per page for preparing the record on appeal in proper shape for the printer.

When it appears that the clerk has waived the requirement of a cash deposit by appellant to cover estimated cost of printing, and the cost of printing has not been paid when the case is called for argument, the Court will in its discretion, on motion of counsel for appellee or a statement made by the clerk, dismiss the appeal.

24. Appeal Dismissed if Record on Appeal Not Properly Reproduced.

If the record on appeal (except in pauper appeals and except the stenographic transcript referred to in Rule 19 (d) (2) shall not be properly reproduced as required by the rules, by reason of the failure of the appellant to send up the record on appeal, or deposit the cost therefor, in time for it to be properly reproduced when called in its regular order (as set out in Rule 5), the appeal shall, on motion of appellee, be dismissed; but the Court may, on motion of appellant, after five days' notice, at the same session for good cause shown, reinstate the appeal, to be heard at the next session. When a case is called and the record on appeal is not fully and properly reproduced, if the appellee does not move to dismiss, the case will be continued.

25. Mimeographed Records and Briefs.

Counsel may file with the clerk of this Court in lieu of printed records on appeal and briefs twenty-five mimeographed copies thereof, to be prepared as provided in Rule 25 of the Rules of Practice in the Supreme Court.

25½. Alternate Method of Reproducing Records and Briefs.

Subject to the approval of the Chief Justice of the Supreme Court, the Administrative Officer of the Courts may provide for an alternate method of reproducing records on appeal and briefs, utilizing current equipment and techniques.

26. Cost of Reproducing Records on Appeal and Briefs to Be Recovered.

The actual cost of reproducing the record on appeal and of the brief shall be allowed the successful litigant, not to exceed $1.50 per page, and not exceeding sixty pages for a record on appeal and twenty pages for a brief, unless otherwise specially ordered by the Court, and he shall be allowed ten cents additional for each such page paid to the clerk of this Court for making copy for the printer, unless the record on appeal was printed before the case was docketed; provided, receipted statement of such cost is given the clerk before the case is decided. In pauper appeals the actual cost of preparing typewritten copies of the record on appeal and of the brief shall be allowed the appellant, not to exceed twenty-five cents per page, and not to exceed sixty pages for record on appeal and twenty pages for brief.

Judge and counsel should not encumber the record on appeal with evidence or with matters not pertinent to the exceptions taken. When the record on appeal is settled, either by the judge or the parties, if either party deems that unnecessary matter is incorporated, he shall have his exception noted, designating the parts deemed unnecessary, and if upon hearing the appeal, the Court finds that such parts were in fact unnecessary, the cost of reproducing such unnecessary matter shall be taxed against the party at whose instance it was done, no matter in whose favor the judgment is given here, except when such party has already paid the expense of such unnecessary matter, and in that event he shall not recover it back, though successful on his appeal. Motions for taxation of costs for reproducing unnecessary parts sent up in the record on appeal shall be decided without argument.

27. Briefs.

Twenty-five copies of briefs of both parties shall be filed in all cases (except in pauper appeals, as provided in Rule 22). Such briefs may be sent up by counsel ready printed, or they may be printed or reproduced as provided by these rules if a proper deposit for cost is made, as specified in Rule 23. They must be of the size and style prescribed by such rule. The briefs are expected to cover all the points presented in the oral argument, though additional authorities may be cited, if discovered after brief is filed, by furnishing list to opposing counsel and handing memorandum of same to the clerk to be placed by him with the papers in the case, but counsel will not be permitted to consume time on the argument in the citation of additional authorities.

27½. Statement of the Questions Involved.

The first page of appellant's brief, other than formal matters appearing thereon, shall be used exclusively for a succinct statement of the question or questions involved on the appeal. Such statement should not ordinarily exceed fifteen lines, and should never exceed one page. This will then be followed on the next page by a recital of the facts and the argument as required by the other rules. In case of disagreement as to the exact question or questions presented for determination, the appellee may submit a counter-statement, using the first page of appellee's brief for this purpose. But no counter-statement need be made unless appellee thinks appellant's statement is inaccruate, or that it does not present the points for decision in a proper light.

The statement of the questions involved or presented by the appeal, is designed to enable the Court, as well as counsel, to obtain an immediate view and grasp of the nature of the controversy; and a failure to comply with this rule may result in a dismissal of the appeal.

28. Appellant's Brief.

The brief of appellant shall set forth a succinct statement of the facts necessary for understanding the exceptions. As to an exception that there was no evidence, it shall be sufficient to refer to pages of the record containing the evidence. Such brief shall contain, properly numbered, the several grounds of exception and assignment of error with reference to the pages of the record, and the authorities relied on classified under each assignment; and if statutes are material, the same shall be cited by the book, chapter, and section. Exceptions in the record not set out in appellant's brief, or in support of which no reason or argument is stated or authority cited, will be taken as abandoned by him. Such briefs when filed shall be noted by the clerk on the docket, and when reproduced a copy thereof furnished by him to appellee's counsel.

Appellant shall, upon filing a copy of his brief to be reproduced, on the same date mail or deliver to appellee's counsel a copy thereof. If the appellant's brief has not been filed with the clerk of this Court, and no copy has been mailed or delivered to appellee's counsel by 12:00 o'clock noon on the third Tuesday preceding the call of the district to which the case belongs, the appeal will be dismissed on motion of appellee, when the call of that district is begun, unless for good cause shown the court shall give further time to file the brief.

29. Appellee's Brief.

The appellee shall file a copy of his brief to be reproduced, or twenty-five printed copies thereof, with the clerk of this Court by noon of the Second Tuesday preceding the call of the district to which the case belongs and on the same date mail or deliver to appellant's counsel a copy, and the filing thereof shall be noted by the clerk on his docket and when reproduced, a copy furnished by the clerk to counsel for appellant. It is not required that the appellee's brief shall contain a statement of the case. On failure of the appellee to file his brief by the time required, the cause will be heard and determined without argument from the appellee unless for good cause shown the Court shall give appellee further time to file his brief.

30. Arguments.

(a) Counsel for the appellant shall be entitled to open and conclude the argument.

(b) Counsel for appellant may be heard ten minutes for statement of case and twenty-five minutes in argument.

(c) Counsel for appellee may be heard for twenty-five minutes.

(d) The time allowed for argument may be extended by the Court in a case requiring such extension, but application for extension must be made before the argument begins. The Court, however, may direct the argument of such points as it may see fit outside of the time limited.

(e) Any number of counsel may be heard on either side within the time limitations herein specified, but if more than one counsel is to be heard, each must confine himself to a part or parts of the subject matter involved in the exceptions not discussed by his associate counsel, unless otherwise directed by the Court, in order to avoid tedious and useless repetition.

31. Rearguments.

The Court will, of its own motion, direct a reargument before deciding any case, if in its judgment it is desirable.

32. Agreement of Counsel.

The Court will not recognize any agreement of counsel in any case unless the same shall appear in the record, or in writing filed in the cause in this Court.

33. Appearances.

An attorney shall not be recognized as appearing in any case unless he be entered as counsel of record in the case. Upon his request, the clerk shall enter the name of such attorney, or he may enter it himself, thereby making him counsel of record for the party he may designate therein. Such appearance of counsel shall be deemed to be general in the case, unless a different appearance be indicated. Counsel of record are not permitted to withdraw from a case, except by leave of the Court.

34. Certiorari and Supersedeas.

(a) *When Applied for.* Generally, the writ of certiorari, as a substitute for an appeal, must be applied for at the session of this Court to which the appeal ought to have been taken, or, if no appeal lay, then before or to the session of this Court next after the judgment complained of was entered in the trial tribunal. If the writ shall be applied for after that session, sufficient cause for the delay must be shown.

(b) *How Applied for.* The writs of certiorari and supersedeas shall be granted only upon petition, specifying the grounds of application therefor, except when a diminution of the record shall be suggested and it appears upon the face of the record that it is manifestly defective, in which case the writ of certiorari may be allowed, upon motion in writing. In all other cases the adverse party may answer the petition. The petition and answer must be verified, and the application shall be heard upon the petition, answer, affidavit, and such other evidence as may be pertinent.

(c) *Notice of.* No such petition or motion in the application shall be heard unless the petitioner shall have given the adverse party ten days' notice, in writing, of the same; but the Court may, for just cause shown, shorten the time for such notice and the manner of giving such notice.

(d) *Copies of Transcript or Summary of Evidence in Certain Cases.* When a petition for certiorari is filed under the provisions of G.S. 15-222, two (2) copies of the complete transcript of the post-conviction proceedings, including the transcript of the questions and answers, or if there was no reporter present, a summary of the evidence from the presiding judge's notes, shall be filed with the petition.

35. Additional Issues.

If, pending the consideration of an appeal, the Court of Appeals shall consider the trial or finding of one or more issues of fact necessary to a proper decision of the case upon its merits, such issue shall be made up under the direction of the Court and certified to the trial tribunal for trial or finding and the case will be retained for that purpose.

36. Motions.

All motions made to the Court must be reduced to writing, and shall contain a brief statement of the facts on which they are founded, and the purpose of the same.

No personal appearance of counsel in open court shall be necessary for the purpose of filing a motion, and the motion will be considered filed when received by the clerk.

Motions filed in open court shall be tendered to the Court upon the opening of court on any day the Court is sitting to hear arguments.

Motions filed in this Court, whether in open court, with an individual judge, or by delivery to the clerk, shall show thereon the date and manner of notice to opposing parties or counsel.

Motions which in the opinion of this Court require argument will be calendared for argument by order of this Court; otherwise, motions will be determined by this Court in conference.

37. Abatement and Revivor.

Whenever, pending an appeal to this Court, either party shall die, the proper representatives in the personalty or realty of the deceased party, according to the nature of the case, may voluntarily come in, and, on motion, be admitted to become parties to the action, and thereupon the appeal shall be heard and determined as in other causes; and if such representatives shall not so voluntarily become parties, then the opposing party may suggest the death upon the record, and thereupon, on motion, obtain an order that, unless such representatives shall become parties within the first five days of the ensuing session, the party moving for such order shall be entitled to have the appeal dismissed; or, if the party moving shall be the appellant, he shall be entitled to have the appeal heard and determined according to the course of the Court; provided, such order shall be served upon the opposing party.

When the death of a party is suggested, and the proper representatives of the deceased fail to appear by the fifth day of the session next succeeding such suggestion, and no action shall be taken by the opposing party within the time to compel their appearance, the appeal shall abate, unless otherwise ordered.

38. Certification of Decisions.

The clerk of this Court shall transmit to the clerk, or comparable officer, of the trial tribunal from which the appeal originated, certificates of the decisions of this Court on the second Monday after the written opinions of the Court are filed in his office, unless otherwise directed. The Court in its discretion may order an opinion certified at an earlier day. Upon final adjournment of a session of the Court, the clerk of this Court shall at once certify to the clerk, or comparable officer, of the trial tribunal, all of the decisions not theretofore certified. The clerk of this Court shall issue execution for all costs incurred in this Court, or by order of this Court.

39. Judgment and Minute Dockets.

The judgment docket of this Court shall contain an alphabetical index of the names of the parties in favor of whom and against whom any judgment for costs or judgment interlocutory or upon the merits is entered. On this docket the clerk of the Court will enter a brief memorandum of every final judgment affecting the right to real property, and of every judgment requiring, in whole or in part, the payment of money, stating the names of the parties, the session at which such judgment was entered, and its number on the docket of the Court. When it shall appear from the return on the execution, or from an order for entry of satisfaction by this Court, that the judgment has been satisfied, in whole or in part, the clerk at the request of any one interested in such entry, and on the payment of the lawful fee, shall make a memorandum of such satisfaction, whether in whole or in part, and refer briefly to the evidence of it.

The clerk shall keep a permanent book, in which he shall index and cross-index all motions, petitions and appeals disposed of.

40. Clerk and Commissioners.

The clerk and every commissioner of this Court, who, by virtue or under color of any order, judgment, or decree of the Court of Appeals in any action or matter pending therein, has received or shall receive any money or security for money, to be kept or invested for the benefit of any party to such action or matter, or of any other person, shall, at the session of said Court held next after the first day of January in each year, report to the Court a statement of said fund, setting forth the title and number of the action or matter, the session of the Court at which the order or orders under which the clerk or such commissioner professes to act was made, the amount and character of the investment, and the security for same, and his opinion as to the sufficiency of such security. In every subsequent report he shall state the condition of the fund and any change made in the amount or character of the investment, and every payment made to any person entitled thereto.

The reports required by the preceding paragraph shall be examined by the Court or some member thereof designated by the Chief Judge, and their or his approval endorsed shall be recorded in a well-bound book, kept for the purpose, in the office of the clerk of the Court of Appeals, entitled, "Record of Funds," and the cost of recording the same shall be allowed by the Court and paid out of the fund. The report shall be filed among the papers of the action or matter to which the fund belongs.

41. Court of Appeals Library.

Books Taken Out. No book belonging to the Court of Appeals Library shall be taken therefrom, except in the Court of Appeals chamber, unless by a Judge of the Court of Appeals, without the special permission of the Chief Judge of the Court, and then only upon an application in writing, and in such cases the Chief Judge shall require his secretary to enter in a book kept for the purpose the name of the person requiring the same, the name and number of the volume taken, when taken, and when returned. A copy of this rule shall be posted in the Library of the Court of Appeals.

42. Court's Opinions.

After a panel of the Court has decided a cause, the judge assigned to write the decision shall cause three typewritten copies thereof to be made and a copy sent to each member of the hearing panel, to the end that the same may be carefully examined, and the bearing of the authority cited may be considered prior to the day when the opinion shall be finally adopted by the hearing panel as the decision of the Court and ordered to be filed by the clerk.

43. Executions.

(a) *Teste of Executions.* When an appeal shall be taken after the commencement of a session of this Court, the judgment and teste of the execution shall have effect from the time of the filing of the appeal.

(b) *Issuing and Return of.* Executions issuing from this Court may be directed to the proper officers of any county in the State. At the request of a party in whose favor execution is to be issued, it may be made returnable on any specified day after the commencement of the session of this Court next ensuing its teste. In the absence of such request, the clerk shall, within thirty days after the certificate of decision is sent down, issue such execution to the county from which the cause came, making it returnable on the first day of the next ensuing session. The execution may, when the party in whose favor judgment is rendered shall so direct, be made returnable to the session of the appropriate trial tribunal held next after the date of its issue, and thereafter successive executions will only be issued from said trial tribunal, and when satisfied, the fact shall be certified to this Court, to the end that an entry to this effect be made here.

Executions for the cost of this Court, adjudged against the losing party to appeals, may be issued after the determination of the appeal, returnable to a subsequent day of the session; or they may be issued after the end of the session, returnable on a day named, at the next succeeding session of this Court.

The officer to whom said executions are directed shall be amenable to the penalties prescribed by law for failure to make due and proper return thereof.

44. Petition to Rehear.

(a) *When Filed.* Petitions to rehear must be filed within forty days after the filing of the decision in the case. No communication with the Court, or any Judge thereof, in regard to any such petition, will be permitted under any circumstances. No oral argument or other presentation of the cause to the Court, or any Judge thereof, by either party, will be allowed, unless on special request the Court shall so order.

(b) *What to Contain.* The petition must assign the alleged error of law complained of, or the matter overlooked, or the newly discovered evidence; and allege that the judgment complained of has been performed or secured. Such petition shall be accompanied with the certificate of at least two members of the bar of this Court, who have no interest in the subject matter and have not been of counsel for either party to the suit, and each of whom shall have been at least five years a member of the bar of this Court, that they have carefully examined the case and the law bearing thereon and the authorities cited in the decision, and they shall summarize succinctly in such certificate the points in which they deem the decision erroneous.

(c) *One Copy to Be Filed, How Endorsed.* The petitioner shall endorse upon the petition, of which he shall file one copy, the name of the Judge to whom the petition shall be referred by the clerk, and in cases where there has been a dissent the name of the Judge so endorsed shall be the name of a Judge who did not dissent, and the case shall not be docketed for rehearing unless the Judge endorses thereon that it is a proper case to be reheard.

The clerk shall, upon the receipt of a petition to rehear, immediately deliver the copy to the Judge to whom it is to be referred, unless the petition is received during a vacation of the Court, in which event it shall be delivered to the Judge designated by the petitioner on the first day of the next succeeding session of Court.

(d) *Judge to Act in Thirty Days.* The clerk shall enter upon the rehearing docket and upon the petition the date when the petition is filed in the clerk's office, the name of the Judge to whom the petitioner has requested that the petition be referred, and also the date when the petition is delivered to the Judge. The Judge will act upon the petition within thirty days after it is delivered to him, and the clerk is directed to report in writing to the Chief Judge a list of all petitions to rehear not acted on within the time required.

(e) *New Briefs to Be Filed.* There shall be no oral argument before the Judge thus designated, before it is acted on by him, and if he orders the petition docketed, there shall be no oral argument thereon before the hearing panel of the Court (unless the hearing panel of its own motion shall direct an oral argument), but it shall be submitted on the record at the former hearing, the petition to rehear, and a brief to be filed by the petitioner within ten days after the petition is ordered to be docketed, and a brief to be filed by the respondent within twenty days after such order to docket. Such briefs shall not be the briefs on the first hearing, but shall be new briefs, directed to the errors assigned in the petition, and shall be reproduced as provided by the rules. If the brief is not filed within the prescribed time by the petitioner, the petition will be dismissed, and for similar default by the respondent, the cause will be disposed of without his brief.

(f) *When Petition Docketed for Rehearing.* The petition may be ordered docketed for a rehearing as to all points recited by the two certifying counsel (who cannot certify to errors not alleged in the petition), or it may be restricted to one or more of the points thus certified, as may be directed by the Judge who grants the application. When a petition to rehear is ordered to be docketed, notice shall at once be given by the clerk to counsel on both sides.

(g) *Stay of Execution.* When a petition to rehear is filed with the clerk of this Court, the Judge designated by the petitioner to pass upon it may, upon application and in his discretion, stay or restrain execution of the judgment or order until the certificate for a rehearing is either refused, or, if allowed, until this Court has finally disposed of the case on the rehearing. Unless the party applying for the rehearing has already stayed execution in the trial tribunal by giving the required security, he shall, at the time of applying to the Judge for a stay, tender sufficient security for that purpose, which shall be approved by the Judge. Notice of the application for a stay must be given to the other party, if deemed proper by the Judge, for such time before the hearing of the application and in such manner as may be ordered. If a petition for a rehearing is denied, or if granted, and the petition is afterwards dismissed, the stay shall no longer continue in force, and execution may issue at once, or the judgment or order be otherwise enforced, unless, in case the petition is dismissed, the Court shall otherwise direct. When a stay is granted, the order shall run in the name of this Court and be signed and issued by the clerk, under its seal, with proper recitals to show the authority under which it was issued.

45. Sittings of the Court.

One panel of the Court will sit daily, during the session as scheduled under Rule 7 (Sundays and Mondays excepted), from 9:30 A. M. to 12:30 P. M., and another panel from 1:00 P. M. to 4:00 P. M., for the hearing of causes, except when the docket of a district is exhausted before the close of the time allotted to it.

46. Citation of Reports.

Supreme Court Rule No. 46 applies.

47. Additional Sessions of Court—Reconvening Court.

The Chief Judge shall schedule additional sessions of the Court as required to discharge expeditiously the Court's business.

The Court may be reconvened at any time after final adjournment of any session by order of the Chief Judge, or, in the event of his inability to act, by one of the Associate Judges in order of seniority.

48. Noncompliance with Rules.

If these rules are not complied with, the appeal may be dismissed.

49. Remedial Writs.

The prerogative writs including mandamus, prohibition, certiorari, and supersedeas shall be issued and heard by a panel of not less than three Judges of the Court of Appeals.

This rule does not apply to the writ of habeas corpus.

(NOTE: See G.S. 7A-32).

Fee Bill—Clerk of the Court of Appeals.

Pursuant to G.S. 7A-20 (b), the Court of Appeals of North Carolina hereby adopts the following schedule of fees for services rendered by the clerk of the Court of Appeals:

Docketing an appeal	$10.00
Docketing petition for certiorari or other petition for extraordinary writ	10.00
Docketing a pauper appeal	2.00
A continuance	.50
A scire facias	1.00
A determination	2.00
A certificate	2.00
A fieri facias or other execution	1.00
A subpoena, writ or other process	1.00
A seal	.50
An acknowledgment, oath or affidavit	.50
Preparing judgment	2.00
Certifying case to Supreme Court of North Carolina	10.00
Furnishing copies of decisions to publishing houses, per page	.55
Furnishing copies of decisions to counsel for litigants, per page	.40
Docketing and recording disbarment proceedings	1.00
Issuance of execution	2.00
In lieu of fee allowed Attorney General by G.S. 114-8	10.00

I-A. Rules of Practice in United States District Courts

(1) RULES OF PRACTICE IN THE DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

The United States District Court for the Middle District of North Carolina

RULES OF PRACTICE AND PROCEDURE

Effective January 1, 1968

The United States District Court for the Middle District of North Carolina

COUNTIES IN THE DISTRICT

Alamance
Alleghany
Ashe
Cabarrus
Caswell
Chatham
Davidson
Davie
Durham
Forsyth
Guilford
Hoke
Lee
Montgomery
Moore
Orange
Person
Randolph
Richmond
Rockingham
Rowan
Scotland
Stanly
Stokes
Surry
Watauga
Wilkes
Yadkin

UNITED STATES DISTRICT JUDGES

Edwin M. Stanley, *Chief Judge,* Greensboro, North Carolina
Eugene A. Gordon, *Judge,* Winston-Salem, North Carolina
Johnson J. Hayes, *Senior Judge,* Wilkesboro, North Carolina

CLERK

Herman Amasa Smith	Federal Building, W. Market Street U.S. Post Office and Courthouse Post Office Box V-1 Greensboro, North Carolina 27402 Telephone: 275-9111 Ext. 349

REFEREE IN BANKRUPTCY

Rufus W. Reynolds	626 Southeastern Building Greensboro, North Carolina 27401 Telephone: 273-1987

PROBATION OFFICER

O. Leon Garber, *Chief Probation Officer*	Federal Building, W. Market Street U.S. Post Office and Courthouse Post Office Box 629 Greensboro, North Carolina 27402 Telephone: 275-9111 Ext. 341

The United States District Court for the Middle District of North Carolina

In the Matter of
Rules of Practice and Procedure } ORDER
In This Court

Pursuant to the authority of Rule 83, Federal Rules of Civil Procedure, Rule 57, Federal Rules of Criminal Procedure, Section 2a (15) of the Bankruptcy Act and General Order In Bankruptcy Number 56, for good cause appearing therefor,

IT IS ORDERED THAT:

(a) The following General Rules, Criminal Rules, Civil Rules, and Rules in Bankruptcy are hereby approved and adopted to govern applicable practice and procedure in this court.

(b) These rules shall supersede all rules or orders heretofore adopted pertaining to practice and procedure before this court.

(c) The effective date of these rules shall be December 2, 1963, and they shall apply to all pending litigation. The rules of practice and procedure presently in effect shall continue to govern all litigation in this court until the effective date of these rules.

(d) When, by legislative enactment or judicial rule or order, it is apparent that a conflict exists, these rules shall be considered automatically changed as to conform to such higher authorities.

(e) The clerk shall arrange for the printing and distribution of these rules, and any amendments made subsequent to their adoption. Since the rules are being published by The Michie Company as a part of the General Statutes of North Carolina, this will serve as distribution to the members of the bar of this court and to each of the law schools in the State of North Carolina. The clerk will arrange for distributon of other copies required by the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

(f) These rules shall be cited as Local Rule ....

Edwin M. Stanley
United States District Judge
Middle District of North Carolina

Eugene A. Gordon
United States District Judge
Middle District of North Carolina

Acknowledgments

The Court hereby acknowledges deep appreciation to Welch O. Jordan, Chairman, Thornton H. Brooks, Beverly C. Moore and Richard L. Wharton, of the Greensboro Bar, James L. Newsom and Jerry L. Jarvis, of the Durham Bar, William D. Sabiston, Jr., of the Moore County Bar, Robin L. Hinson, of the Richmond County Bar, Ralph M. Stockton, Jr., and Leon L. Rice, Jr., of the Winston-Salem Bar, Kyle Hayes and William H. McElwee, of the North Wilkesboro Bar, Don A. Walser, of the Lexington Bar, and Nelson Woodson of the Rowan County Bar, all practicing attorneys, members of the bar of this court, and heretofore appointed to the Advisory Committee on Local Rules of Practice and Procedure of this court, for the extended and helpful services rendered in compiling these rules. The Court also acknowledges appreciation to Rufus W. Reynolds, Referee in Bankruptcy, and William H. Murdock, United States Attorney, both of whom acted in an advisory capacity to the Committee, and to Herman Amasa Smith, Clerk, for his helpful cooperation in acting as secretary.

Additionally, the Court acknowledges sincere appreciation to The Michie Company, Charlottesville, Virginia, for its cooperation in publishing these rules, without charge to the Government, as a part of the General Statutes of North Carolina.

EDWIN M. STANLEY
United States District Judge

EUGENE A. GORDON
United States District Judge

United States District Court for the Middle District of North Carolina

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I. General Rules

[*Cite these Rules as:* Local Rule ....]

Rule 1.

PHILOSOPHY OF RULES

Consistent with the provisions of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Bankruptcy Act, these rules shall at all times be construed and enforced in such manner as to avoid technical delay, permit just and prompt consideration and determination of all proceedings, and promote efficient administration.

Rule 2.

ATTORNEYS

(a) Roll of Attorneys. The bar of this court shall consist of those attorneys admitted to practice before this court.

(b) Eligibility and Admission.

(1) Any person who has been admitted to practice and is in good standing before the Supreme Court of North Carolina, and who is a resident of the State of North Carolina, is eligible for admission to the bar of this court.

(2) Eligible attorneys shall be admitted to practice in this court upon oral motion made in open court by a member of the bar of this court. If the motion for admission is granted, the applicant shall take the following oath or affirmation:

> I do solemnly swear [affirm] that I have been admitted to practice before the Supreme Court of North Carolina, and that I am a member in good standing of that court; that I am a resident of the State of North Carolina; that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obliga-

tion freely, without any mental reservation or purpose of evasion; and that I will demean myself as an attorney of this court uprightly and according to law, SO HELP ME GOD. [SUCH BE MY SOLEMN AFFIRMATION.]

(c) Fee. The fee for admission to the bar of this court shall be $2.00, payable to the clerk at the time of admission.

(d) Litigants Must Be Represented by Member of the Bar of This Court; Special Admissions.

(1) Every litigant in civil and criminal actions, except governmental agencies and parties appearing *pro se,* must be represented by at least one member of the bar of this court, who shall state his name, office address and telephone number on each pleading. The service of all pleadings and notices permitted by the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure shall be sufficient if served upon such attorney.

(2) Any person who is a member in good standing of the bar of the Supreme Court of the United States, or the bar of the highest court of any state in the United States, or the District of Columbia, shall be permitted to appear in a particular case in association with a member of the bar of this court.

(3) All pleadings presented to the clerk for filing, except by attorneys representing governmental agencies or parties appearing *pro se,* shall be rejected unless signed by at least one attorney who is a member of the bar of this court.

(e) Withdrawal of Appearance. No attorney who has entered an appearance in any civil or criminal action shall withdraw his appearance, or have it stricken from the record, except on order of the court.

(f) Disbarment and Discipline.

(1) Upon notice and hearing, any member of the bar of this court may, for good cause shown, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the court may deem proper. Whenever any member of the bar of this court has been disbarred from practice by either the Supreme Court of North Carolina, a Superior Court of North Carolina, or the North Carolina State Bar, and such disbarment has become final, or any such member has been finally convicted of a felony in this or any other court, such member shall be disbarred forthwith from practice in this court, without notice or a hearing, upon the filing in this court of a certified copy of the final order of disbarment or final judgment of conviction.

(2) Any attorney who before his admission to the bar of this court, or during his disbarment or suspension, exercises any of the privileges of the members of the bar of this court, or pretends to be entitled to do so, shall be guilty of contempt of court and subject to appropriate punishment therefor.

(g) Courtroom Decorum.

(1) Counsel shall at all times conduct and demean themselves with dignity and propriety. All statements and communications to the court shall be clearly and audibly made from a standing position behind a counsel table or lectern. Counsel shall not approach the bench, except upon the permission or request of the court.

(2) The examination of witnesses shall be conducted from behind counsel table or lectern. Counsel shall not approach the witness except for the purpose of presenting, inquiring about, or examining the witness with respect to an exhibit. Only one attorney for each party may participate in the examination or cross-examination of a witness.

(h) Agreement Between Attorneys. Unless in writing, disputed agreements between attorneys will not be considered by the court.

Rule 3.

COURT SCHEDULE AND CONDUCT OF BUSINESS

(a) **Headquarters of the Court.** The headquarters of the court shall be located in Greensboro, and all pleadings and papers submitted to the clerk for filing in any division shall be filed in Greensboro.

(b) **Divisions of the Court; Counties Comprising the Divisions; Regular Sessions of Court.** There shall be six divisions of the court. The headquarters of the counties comprising, and the regular sessions of court for each of the divisions, are as follows:

Division and Court Headquarters	*Counties Comprising Division*	*Regular Court Sessions*
Rockingham	Hoke Montgomery Moore Richmond Scotland	Second Monday in March and September
Durham	Person Lee Orange Chatham Durham	Fourth Monday in March and September
Wilkesboro	Alleghany Ashe Watauga Wilkes	Third Monday in April and October
Winston-Salem	Forsyth Stokes Surry Yadkin	First Monday in May and November
Salisbury	Cabarrus Davidson Davie Rowan Stanly	Third Monday in May and November
Greensboro	Alamance Caswell Guilford Randolph Rockingham	First Monday in June and December

(c) **Court in Continuous Session.** The court shall be in continuous session in all divisions of the district, and all matters, criminal and civil, not reached at regular sessions of court are deemed to be in an open status and subject to call at any time before the next regular session of court upon reasonable notice to the interested parties.

(d) **Place of Holding Court.** Regular sessions of court, motion days, pretrial conferences, and other court business, will be conducted in the courtroom located in the United States Post Office Building in division headquarters, unless otherwise directed. On opening day of regular sessions, court shall commence at 10:00 a.m. On all other days, court shall commence at 9:30 a.m., unless otherwise announced.

(e) **Business at Regular Sessions of Court.** Criminal actions will first be disposed of at regular sessions of court. In divisions other than Greensboro, civil actions will normally be tried immediately following the trial of criminal actions. Civil sessions will be scheduled in Greensboro as required to dispose of pending litigation.

(f) Motion Days.

(1) Motion days will be scheduled in all divisions of the court as required to dispatch promptly and efficiently the business of the court. Notices of motion settings will be given as provided by Local Rule 21 (e) (2) and (3).

(2) Criminal matters of an urgent nature, motions, admission of attorneys, the initial and final pre-trial of civil cases, and other appropriate matters, will be considered on motion days.

(g) Preparation of Trial Calendars. All pending criminal cases are calendared for trial at each regular criminal session of court as a matter of course. Trial calendars in civil cases will be prepared by the court, normally at the time of the final pre-trial conference.

Rule 4.

NATURALIZATION

Petitions for naturalization will be regularly considered and acted upon, and appropriate ceremonies conducted in connection therewith, at Greensboro, on Friday after the first Monday in June and December of each year. A committee composed of three prominent residents of this district will be appointed from time to time to arrange for and conduct ceremonies in connection with all regularly held naturalization proceedings. The court may, in its discretion, at other times, consider and act upon petitions for naturalization by members of the armed services, and seamen on merchant vessels registered under the laws of the United States, and members of the immediate families and dependents of such personnel, and in other exceptional cases.

Rule 5.

SURETIES

(a) Security. In both civil and criminal actions, except as otherwise provided by law, every bond, undertaking or stipulation must be secured by (1) the deposit of cash or negotiable government bonds, undertaking or stipulation, (2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury, or (3) the undertaking or guaranty of sufficient solvent sureties, residents of North Carolina, who own real or personal property within the State of North Carolina worth double the amount of the bond, undertaking or stipulation over all debts and liabilities, and over all obligations assumed on other bonds, undertakings, or stipulations, and exclusive of all legal exemptions. A husband and wife may act as surety on a bond, but they shall be considered as only one surety. If a bond, undertaking or stipulation is executed by individual sureties, each surety shall execute his affidavit of justification, giving his full name, occupation, residence and business address, showing that he is qualified as an individual surety under the provisions of this rule.

(b) Prohibited Sureties. Members of the bar, administrative officers or employees of this court, the United States marshal his deputies or assistants, shall not act as a surety in any suit, action or proceeding pending in this court.

Rule 6.

BRIEFS

(a) Service. Every brief required by these rules or an order of the court shall be served upon opposing parties or their counsel before it is presented to the clerk, and the brief shall clearly indicate the time and method of service. Briefs shall not become a part of the record in the case.

(b) Contents. All briefs filed with the court shall contain:

(1) A statement of the nature of the matter before the court.

(2) A concise statement of the facts. Each statement of fact should be supported by reference to a part of the official record in the case.

(3) A statement of the question or questions involved.

(4) The argument, which shall refer to all statutes, rules and authorities relied upon. When a case is cited as authority for a position, a brief statement of the facts in that case should be included so that it will be readily apparent to the court that the case is authority for such position.

(c) Citation of Cases. Cases cited should include parallel citations, the year of the decision, and the court deciding the case. The following are illustrations of this rule:

(1) State Court citation: Rawls v. Smith, 238 N. C. 162, 77 S. E. 2d 701 (1953).

(2) District Court citation: Smith v. Jones, 141 F. Supp. 248 (E. D. S. C. 1956).

(3) Court of Appeals citation: Smith v. Jones, 4 Cir., 237 F. 2d 597 (1956).

(4) United States Supreme Court citation: Smith v. Jones, 325 U. S. 196, 65 S. Ct. 1120, 89 L. Ed. 1554 (1954).

(5) If a petition for certiorari was filed in the United States Supreme Court, disposition of the case in the Supreme Court should always be shown with parallel citations. For example: Carson v. Warlick, 4 Cir., 238 F. 2d 724 (1956), cert. den. 353 U. S. 910, 77 S. Ct. 665, 1 L. Ed. 2d 664 (1957).

Rule 7.

JURORS

(a) Examination of Jurors. The court shall conduct the examination of prospective jurors.

(b) Same: Scope.

(1) In conducting the examination of jurors in civil cases, the court shall interrogate the jurors in such a fashion and manner as reasonably calculated to elicit from the jurors any prior knowledge of the case, and any connection they might have with the litigants and their attorneys, either personally, professionally, socially, economically or otherwise. The jurors shall also be asked if they know of any reason why they could not sit with the other jurors, hear the evidence in the case, the arguments of counsel, and the instructions of the court, and then render to each of the parties a fair and impartial trial and verdict.

(2) In criminal cases, the line of questioning set out in subsection (b) (1) of this rule shall be followed, where appropriate, and in addition the court shall determine whether any juror is or has been a law enforcement or peace officer.

(c) Same: Questions Requested by Counsel. After the court has completed its interrogation, counsel may request additional questions to be asked the jurors. If deemed by the court to be proper, the jurors will then be interrogated with respect to the matters requested by counsel.

(d) Jury Lists.

(1) When jurors for a session of court are drawn, members of the bar of this court, upon request, shall be furnished with a copy of the list. The list shall include the address of each juror. However, no juror shall be approached, either directly or through any member of his immediate family, in an effort to secure information concerning his background.

(2) When the jurors report for duty at a session of court, the clerk shall make available to members of the bar of this court a jury list which sets forth the name, address and occupation of each juror.

(e) **Instructions to Jury.** In all cases tried by a jury, the points on which either party desires the jury to be instructed must be in writing and furnished to the court before jury arguments commence.

Rule 8.

JURY ARGUMENTS

In all trials, civil and criminal, the right to open and close the argument shall belong to the party who has the burden of proof, without regard to whether the defendant offers evidence. Where each of the parties has the burden of proof on one or more issues, the court, in its discretion, shall determine the order of arguments. All arguments shall be subject to such time limitations as might be imposed by the court.

Comment: See United States v. Grannis, 4 Cir., 172 F. 2d 507, 512 (1949).

Rule 9.

TRANSCRIPT OF PROCEEDINGS

Upon request of any party, court reporters of this court will furnish transcripts of all proceedings at the rate of 90¢ per page for the original transcript and 30¢ per page for each carbon copy thereof. Special arrangements must be made in advance of the trial for daily copy. The following rates shall be applicable for daily transcripts:

	Original	*Page Rate Per Copy*	*Total*
Original only	$1.50	$....	$1.50
Original plus one	1.25	.50	1.75
Original plus two	1.20	.45	2.10
Original plus three	1.15	.40	2.35
Original plus four	1.10	.35	2.50
Original plus five	1.05	.35	2.80
Original plus six	1.00	.35	3.10

NOTE: The last stated rate applies for the original
and more than 6 copies.

A copy of all transcripts must be delivered to the clerk for the records of the court. Except as to transcripts to be paid for by the United States, the court reporter shall not be required to prepare transcripts without the deposit of adequate security, or to furnish such transcripts prior to the payment therefor.

Rule 10.

DESIGNATION OF CONTENTS OF RECORD ON APPEAL

Unless the parties file a written stipulation with the clerk within 20 days after notice of appeal is filed designating the papers which shall constitute the record on appeal, the clerk shall certify and forward to the court of appeals all the original papers in the file jacket dealing with the action or proceeding in which the appeal is taken. When notice of appeal is filed, the clerk shall notify the parties of the provisions of this rule.

Rule 11.

PHOTOGRAPHING AND REPRODUCTION OF COURT PROCEEDINGS

The taking of photographs in the courtroom, or in the corridors immediately adjacent thereto, during the progress of judicial proceedings, or during any recess thereof, and the transmitting or sound-recording of such proceedings for broadcasting by radio or television, shall not be permitted. Proceedings, other than judicial proceedings, designed and conducted as ceremonies, such as administering oaths of office to appointed officials of the court, presentation of portraits, and similar ceremonial occasions, may be photographed in or broadcast from the courtroom, under the supervision of the court.

Rule 12.

ORDERS AND JUDGMENTS GRANTABLE BY CLERK

Pursuant to the provisions of Rule 77(c), Federal Rules of Civil Procedure, the clerk is authorized to grant and enter the following orders and judgments without further direction by the court, but his action may be suspended, altered or rescinded by the court for cause shown:

(1) Consent orders for the substitution of attorneys.

(2) Consent orders extending for not more than 30 days the time within which to answer or otherwise plead, answer interrogatories submitted under Rule 33, Federal Rules of Civil Procedure, or requests for admission as provided for in Rule 36, Federal Rules of Civil Procedure. Matters in bankruptcy and those matters set forth in Rule 6(b), Federal Rules of Civil Procedure, are not included in this authorization.

(3) Consent orders extending for not more than 30 days the time to file the record on appeal and to docket the appeal in the appellate court, except in criminal cases.

(4) Consent orders dismissing an action, except in bankruptcy proceedings and in causes to which Rule 23(c) and Rule 66, Federal Rules of Civil Procedure applies.

(5) Judgments of default as provided for in Rule 55(a) and 55(b) (1), Federal Rules of Civil Procedure.

(6) Orders canceling liability on bonds.

(7) Orders changing the time of opening and adjourning court in absence of the judge.

Rule 13.

PRESENTATION OF JUDGMENTS AND ORDERS

No judgment, decree, order, or other instrument shall be presented to the court for signing unless such instrument (1) has been consented to by all the parties affected thereby, or (2) bears the signature of the party seeking same and some clear indication that all other interested parties have seen the instrument. If there is no objection to the form of the instrument, such should be clearly indicated. If there is objection, the basis of the objection should be stated on the instrument itself or in a memorandum attached thereto. All appealable judgments, decrees or orders shall be executed in duplicate and filed with the clerk of this court.

Rule 14.

REMOVAL OF PAPERS FROM THE CUSTODY OF THE CLERK

Papers on file in the office of the clerk shall be produced pursuant to a subpoena from any court directing their production, or in the discretion of the clerk, may be temporarily removed by the United States attorney, the referee in bankruptcy, or for the court. Otherwise, papers may be removed from the files only upon order of the court. Whenever papers are withdrawn, the person receiving them shall leave with the clerk a signed receipt identifying the papers taken.

Rule 15.

CUSTODY AND DISPOSITION OF MODELS, EXHIBITS AND DEPOSITIONS

(a) Custody. All models, diagrams, exhibits, depositions and other material admitted in evidence or filed in any cause shall be placed in the custody of the clerk, unless otherwise ordered by the court.

(b) Removal.

(1) All models, diagrams, exhibits, depositions or other material placed in the custody of the clerk shall be removed by the party offering such evidence, or filing such materials, except as otherwise directed by the Court, within 30 days after judgment becomes final. At the time of removal, a detailed receipt shall be given to the clerk and filed in the case jacket.

(2) If the party offering, or filing, models, diagrams, exhibits, depositions or other material fails to remove such materials as provided herein, the clerk shall write the attorney of record, or if none, the party offering the evidence, calling attention to the provisions of this rule. If after the mailing of such notice the materials have not been removed within 30 days, they may be destroyed by the clerk.

Rule 16.

COURT LIBRARY

Attorneys practicing before this court the United States attorney or any member of his staff, and law enforcement officers of the government, may borrow books in the court library for use in the library or courtroom. Under no circumstances may books be removed from the courthouse. Persons removing books from the library pursuant to this rule shall be responsible for their immediate return.

II. Civil Rules

[*Cite these Rules as:* Local Rule ......]

Rule 17.

FORM OF PLEADINGS AND DOCUMENTS

(1) All pleadings and papers submitted for filing must designate the case number of the action and fully conform to the provisions of Rules 10 and 11, Federal Rules of Civil Procedure.

(2) Where the complaint discloses that none of the plaintiffs or defendants is a resident of the division in which the complaint is captioned for filing, the clerk shall change the caption so as to designate the filing of the complaint and the issuance of the summons in a division in which one of the plaintiffs or one of the defendants reside. The clerk shall promptly notify the plaintiff, or his counsel, of the division in which the case has thus been docketed. The same procedure shall be followed in civil cases removed from the state courts to the district court.

(3) Each paper presented to the clerk for filing shall be flat and unfolded, without manuscript cover, and firmly bound.

Rule 18.

FILING FEE AND SECURITY FOR COSTS

(a) Initiating Civil Actions. In every civil action commenced in this court, there shall be filed with the complaint:

(1) A $15.00 filing fee, and

(2) A $200.00 bond, or cash deposit of $200.00 in lieu of such bond. as security for costs.

(b) Removal of Actions From State Courts. In every action removed from a state court to this court, there shall be filed with the record being removed:

(1) A $15.00 filing fee, and

(2) A $200.00 removal bond, or a cash deposit of $200.00 in lieu of such bond, as security for costs as required by 28 United States Code § 1446(d).

Rule 19.

FILING OF PAPERS AND SERVICE

(a) Filing of Papers or Pleadings. Subsequent to the institution of an action, with the exception of papers filed with the judge as provided in Rule 5(e), Federal Rules of Civil Procedure, the original of all pleadings, motions, notices of hearing and other papers shall be filed with the clerk at Greensboro, North Carolina.

(b) Service of Papers.

(1) Except in patent, trade-mark and anti-trust cases, and cases in which the United States is a party, it shall be the responsibility of counsel filing papers to serve *one* copy on each opposing party or his counsel.

(2) In patent, trade-mark and anti-trust cases, *two* copies of all papers shall be served on each opposing party or his counsel.

(3) In cases in which the United States is a party, in addition to the copies of the summons and complaint required by Rule 4(d) (4) and 4(d) (5) Federal Rules of Civil Procedure, *three* copies of each pleading or other paper shall be served on the United States attorney.

(c) Proof of Service. Proof of service may be made by written acknowledgment of service by the party served, or by a certificate of counsel for the party filing the pleading or paper. or by affidavit of the person making service, but these methods of proof shall not be exclusive. The original of all papers filed shall indicate the date and method of service.

(d) Ex Parte Orders and Orders to Show Cause. Whenever the court has made an *ex parte* order, the party obtaining it shall serve, within two days thereafter, a copy thereof upon each adverse party who is affected thereby together with a copy of the papers on which the order was based. Orders to show cause shall be served within the time specified by the order.

Rule 20.

CLAIM OF UNCONSTITUTIONALITY; THREE-JUDGE COURTS

(a) If at any time prior to the trial of an action to which neither the United States nor any of its officers, agencies, or employees is a party, any party draws in question the constitutionality of an act of Congress affecting the public interest, that party, to enable the court to comply with 28 United States Code § 2403, shall notify the court in writing, stating the title of the action, the statute in question, and the respects in which it is claimed the statute is unconstitutional.

(b) In any action or proceeding required by act of Congress to be heard and determined by a district court of three judges, all pleadings, papers and documents filed subsequent to the designation of the court, as provided in 28 U.S.C., § 2284(1), shall be filed in triplicate, original and two copies, with the Clerk. The Clerk shall make timely distribution of these documents to the designated judges.

Rule 21.

MOTIONS IN CIVIL ACTIONS

(a) Must Be in Writing. All motions, including objections to interrogatories and requests for admissions, unless made during a hearing or trial, shall be in writing.

(b) Grounds Must Be Stated. All motions shall state with particularity the grounds therefor, and shall set forth the relief or order sought.

(c) Signing. Every motion shall be signed by at least one attorney of record who is a member of the bar of this court. The attorney shall state his office address and telephone number immediately following his signature. The signature of an attorney constitutes a certificate by him that he has read the motion; that to the best of his knowledge, information and belief, there are good grounds to support it; and that the motion is not interposed for delay.

(d) Service. The movant and respondent shall serve copies of their respective papers upon opposing counsel before they are filed with the clerk, and such papers must indicate the time and method of service.

(e) Hearings.

(1) Oral arguments on motions may be had upon written request therefor, or the court may, in its discretion, order oral arguments on any motion A request for oral arguments shall be separately stated by the movant or respondent at the conclusion of the motion or response. If neither party requests oral arguments, the motion will be considered and decided without a hearing, unless otherwise ordered by the court. Uncontested motions will not be denied without giving the movant an opportunity to be heard.

(2) If the respondent filed a timely response, including brief, and oral arguments have been requested or ordered, the arguments shall be heard on the date and at such place within the district as the court may designate, without regard to the division in which the case is pending.

(3) The clerk shall give at least five days' notice of the date and place of hearings on motions; provided, for good cause shown, the court may advance the date of hearing and shorten the notice period herein specified. Since it is the policy of the court to hear and dispose of motions as early as possible, the place and date of any hearing should not be specified in the motion papers.

(f) Movants Supporting Documents and Briefs.

(1) When allegations of facts not appearing of record are relied upon in support of a motion, all affidavits, depositions and other pertinent documents then available shall accompany the motion. All such documents not then available may be filed within the time prescribed by subsection (h) of this rule.

(2) All motions, other than those enumerated in subsection (i) of this rule, shall be accompanied by a brief, which shall contain a concise statement of reasons in support of the motion and citation of authorities upon which the movant relies. If the time for filing supporting documents is extended in the manner prescribed in subsection (h) of this rule, the brief of the movant need not be filed until the date specified in the extension order or stipulation.

(g) Response to Motions and Briefs. If the respondent opposes a motion, and his supporting documents are then available, he shall file his response, including brief, within twenty days after service of the motion. If supporting documents are not then available, he may file his response, including brief within the time prescribed by subsection (h) of this rule. For good cause appearing therefor, a respondent may be required to file his response and supporting documents, including brief, within such shorter period of time as the court may specify. All responses, except with respect to those motions enumerated in subsection (i) of this rule, shall be accompanied by a brief, which shall contain a concise statement of reasons in opposition to the motion and a citation of authorities upon which the respondent relies.

(h) Extension of Time for Filing Supporting Documents and Briefs. When it is reasonably shown in the motion or response, or in a written request, that the filing of additional affidavits, depositions or other documents in support or opposition to a motion is necessary, and such documents are not then available, the clerk may enter an *ex parte* order specifying the time within which such additional documents shall be filed, or approve such stipulation in regard thereto as may have been executed by counsel for the parties. Additionally, such order or stipulation shall specify the time within which the response, and briefs of the parties, must be filed. A copy of any *ex parte* order so entered shall immediately be served upon opposing counsel. If the motion is accompanied by brief and supporting documents, if such are required, and the respondent should require additional time to file his response, including brief and supporting documents, the application for additional time shall be filed by the respondent within five days from date of service of motion.

(i) Motions Not Requiring Briefs. No brief is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: (1) For extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed, or as extended by previous orders; (2) to continue a pre-trial conference, hearing or motion, or the trial of an action; (3) for a more definite statement; (4) to strike; (5) to make additional parties; (6) to amend pleadings; (7) to file supplemental pleadings; (8) to appoint next friend or guardian *ad litem;* (9) to intervene; (10) for substitution of parties; (11) relating to discovery, including, but not limited to, motions for the production and inspection of documents, specific objections to interrogatories, motions to compel answers or further answers to interrogatories, and motions for physical or mental examination; and (12) to stay proceedings to enforce judgment. All the motions herein referred to, while not required to be accompanied by a brief, must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought.

(j) Motions for Production and Inspection and Motions for Physical or Mental Examination. Motions for production and inspection of documents, and motions for the physical or mental examination of a party, must be supported by a showing of good cause.

(k) Conference of Attorneys With Respect to Motions and Objections Relating to Discovery. With respect to all motions and objections relating to discovery, pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, counsel for each of the parties shall meet and confer in advance of the hearing in a good faith effort to narrow the areas of disagreement. The conference shall be held a sufficient time in advance of the hearing so as to enable the parties to narrow the areas of disagreement to the greatest possible extent It shall be the responsibility of counsel for the movant to arrange for the conference, and in the absence of an agreement to the contrary, the conference shall be held in the office of the attorney nearest the court in the division in which the action is pending.

(l) Motions for Continuance. Motions to continue a pre-trial conference, hearing on a motion, or the trial of an action shall not be granted by the mere agreement by counsel. Any such motion, verbal or written, must be considered by the court, and no such continuance will be granted other than for good cause and upon such terms and conditions as the court may impose.

(m) Motions for an Extension of Time to Perform an Act. All motions for an extension of time to perform an act required or allowed to be done within a specified time must show prior consultation with opposing counsel, and the views of opposing counsel with respect to the extension. Such extensions will not be allowed unless the motion is made before the expiration of the period prescribed for the performance of the act, except upon a showing of excusable neglect. All stipulations with respect to extensions of time are subject to the approval of the court. Consent orders extending the time for the performance of an act may be signed by the clerk to the extent provided by Local Rule 12. Extensions for the completion of discovery will only be approved upon a showing of prior good faith and reasonable diligence. Extensions to file answers or other responsive pleadings will not be granted beyond a total of 30 days from the date the answer or other responsive pleading was originally required to be filed, except upon a showing of unusual circumstances and good cause.

(n) Failure to File and Serve Motion Papers. If briefs are required, the failure of the movant or respondent to file a brief or the failure of a respondent to file his response, within the times specified in this rule, shall constitute a waiver to file thereafter such brief or response, except upon a showing of excusable neglect. A motion unaccompanied by a brief, when a brief is required, may, in the discretion of the court, be summarily denied. A response unaccompanied by a brief, when a brief is required, may, in the discretion of the court, be disregarded and considered and decided as an uncontested motion. If a respondent fails to file his response within the time required by this rule, the motion will be considered and decided as an uncontested motion, and normally will be granted without notice to the parties.

(o) Sanctions. Should any party fail or refuse to meet and confer in a good faith effort to resolve or narrow the area of disagreement with respect to discovery motions, or otherwise willfully fail or refuse to comply with other provisions of this rule, the court may, in its discretion, in addition to the other sanctions provided for by this rule, and the Federal Rules of Civil Procedure, impose counsel fees against the defaulting party.

Rule 22.

PRE-TRIAL AND DISCOVERY IN CIVIL CASES

(a) Requirement for Pre-Trial. There shall be an initial and a final pre-trial conference in every civil case, unless counsel for the parties stipulate in writing to the contrary and the court approves the stipulation. The court, in the interest of justice and good administration, upon its own motion, may dispense with the initial or final pre-trial conference. In lieu of or in addition to a formal final pre-trial conference, the court may require the parties to submit a proposed final pre-trial conference order in advance of the noticed day for the final pre-trial conference.

(b) Initial Pre-Trial Conference. The initial pre-trial conference shall be held at the earliest practicable date following the joinder of issues.

(c) Order on Initial Pre-Trial Conference. At the time of, or immediately following, the initial pre-trial conference, the court will prepare and enter an order with respect to the subject matter considered at the conference.

(d) Counsel Preparation for Initial Pre-Trial Conference. Counsel for the parties should come to the initial pre-trial conference prepared to express themselves effectively with respect to the following:

(1) The time reasonably required for the completion of discovery.

(2) Whether any third-party complaint or impleading petition is contemplated.

(3) Whether all parties defendant have been properly served with process.

(4) Whether there is any question concerning jurisdiction of the parties and of the subject matter.

(5) Whether all parties plaintiff and defendant have been correctly designated.

(6) Whether there is any question concerning misjoinder or non-joinder of the parties.

(7) Whether there is necessity for, or question concerning the validity of the appointment of, guardian *ad litem,* next friend, administrator, executor, receiver, or trustee.

(8) Whether there are pending motions.

(9) Whether a trial by jury has been demanded within the time provided by the Federal Rules of Civil Procedure.

(10) Whether a separation of issues would be feasible or desirable.

(11) If there is to be a separation of issues, whether discovery should be limited to the issue or issues first to be tried.

(12) Whether there are related actions pending or contemplated in this or any other court.

(13) The estimated trial time.

(e) Final Pre-Trial Conference. A final pre-trial conference will be held at the earliest practicable date after the completion of discovery, at which time a final pre-trial order will either be entered or formalized.

(f) Use of Discovery Procedures. Attorneys are expected to make the fullest possible use of all discovery procedures provided for by Rules 26 through 37, Federal Rules of Civil Procedure, rather than seek information or admissions at the conference of attorneys or at the final pre-trial conference.

(g) Completion of Discovery. The requirement that discovery be completed within a specified time means that adequate provision must be made for interrogatories and requests for admission to be answered documents to be produced, and depositions to be transcribed, within the discovery period fixed in the initial pre-trial order.

(h) Extension of Time for Discovery. Upon motion, if made prior to the expiration of the time within which discovery is required to be completed. time may be extended for completion of discovery. Motions or stipulations for additional time for the completion of discovery must set forth good cause justifying the additional time. Parties are expected to conform to prescribed schedules, and motions for extension of time will only be granted in unusual cases, and upon a showing that the parties have diligently pursued discovery during the period originally specified. For good cause appearing therefor, the physical or mental examination of a party may be ordered at any time prior to trial. The deposition of material witnesses who agree to appear at the trial, but who later become unable to attend by reason of illness, or refuse to attend by reason of not being subject to subpoena may be ordered at any time prior to trial. Except under unusual circumstances, the deposition of material witnesses not subject to subpoena should be taken during discovery.

(i) Notice. The clerk shall give at least ten days' notice of the initial pre-trial conference, and thirty days' notice of the final pre-trial conference. The thirty-day notice required for final pre-trial conference may be given prior to the expiration date of the completion of discovery, but the time fixed for the conference shall be at least twenty days after the final date for the completion of discovery.

(j) Conference of Attorneys. At least fifteen days prior to the final pre-trial conference, counsel for each of the parties who will participate in the trial shall meet and confer for the purpose of preparing a final pre-trial order. It shall be the duty of counsel for the plaintiff to arrange for the conference. In the absence of an agreement to the contrary, the conference shall be held in the office of the attorney maintaining an office in this district nearest the court in the division in which the action is pending. In advance of the conference, each of the parties shall prepare, in typewritten form, and have available at the conference, for inclusion in the final pre-trial order, the following:

(1) *Contentions of Plaintiff(s).* A brief statement of the contentions of plaintiff(s) as to the basis of recovery.

(2) *Contentions of Defendant(s).* A brief statement of how defendant(s) expects to defeat recovery, and basis for any asserted counterclaim.

(3) *Contentions of Cross-Claimant(s) and Third-Party Defendant(s).* Cross-claimant(s) and third-party defendant(s) shall follow the same procedure required of plaintiff(s) and defendant(s).

(4) *Suggested Stipulations.* Suggested stipulations covering all relevant and material facts not considered to be in genuine dispute. In most instances, it would probably conserve time for counsel to have a preliminary conference for the purpose of agreeing upon undisputed facts, thereby eliminating the necessity for each of the parties preparing suggested stipulations.

(5) *Exhibits.* A list of all exhibits that may be offered at the trial, with a brief description of each exhibit. All exhibits must be marked for identification, and, whenever possible, a copy furnished opposing counsel, unless opposing counsel already has a copy of the exhibit or stipulates a waiver of this requirement In the event certain exhibits are of the character which prohibit and make impracticable their reproduction, notice of their intended use shall be given, and satisfactory arrangements made to afford opposing counsel an opportunity to examine such exhibits. The final pre-trial order should contain the stipulations of the parties with reference to the admissibility in evidence of all identified exhibits, and the provision made for the inspection of any exhibit not furnished opposing counsel. If the authenticity of any exhibit is not stipulated, the reason therefor should be stated. If admissibility is not stipulated, the basis of the objection must be stated with particularity.

(i) If counsel thereafter discovers additional exhibits which were not known at the time of the conference, the same information required to be disclosed at the conference shall immediately be furnished opposing counsel. The original of any such disclosure shall be filed with the court at the time a copy is furnished opposing counsel.

(ii) Illustrative diagrams, drawings or models, even though not previously identified as exhibits, may, in the discretion of the court, be used and received in evidence.

(6) *List of Witnesses.* A list of the names and addresses of all witnesses then known who may be offered at the trial, together with a brief statement of what counsel proposes to establish by the testimony of each witness. Only each material point which counsel proposes to establish by the testimony of each witness needs to be disclosed, but the willful failure to disclose a material point may render evidence on that point inadmissible at the trial. If counsel discovers the names of additional witnesses that were not known at the time of their conference, the same information required to be disclosed at the conference shall immediately be furnished opposing counsel. The original of any such disclosure shall be filed with the court at the time a copy is furnished opposing counsel.

(i) One of the fundamental purposes of this rule is to require advance preparation sufficient to enable counsel to list the names of all witnesses likely required to establish his claim or defense, and a good faith effort should be made to carry out this purpose when listing the names of witnesses who may be offered at the trial. However, since witnesses listed by all the parties presumably have knowledge bearing upon some of the contested issues, it is permissible for counsel to call as a witness any person listed as a witness by any party to the action While counsel has the right to call as a witness any person listed by another party, this right should be exercised only in those instances where knowledge of the necessity for calling such witness first arises during the course of the trial.

(ii) The court may, in its discretion, and in the interest of justice, permit a party to call and examine a witness not listed by any party. This exception to the rule is intended to cover only those instances where, during the course of the trial, it becomes necessary to impeach or rebut the testimony of a listed witness, or to meet unexpected developments at the trial

(iii) All listed witnesses who are subject to subpoena shall be produced at the trial, unless good cause is shown for their absence, and a good faith effort must be made to produce all witnesses who are not subject to subpoena. If at any time prior to trial, it is determined that any listed witnesses cannot be produced, immediate notice of such fact must be given opposing counsel. If the same person is listed as a witness by a plaintiff and another party, it shall be the responsibility of such plaintiff to produce the witness at the trial. If the same person is listed as a witness by a defendant and another party, other than a plaintiff, it shall be the responsibility of such defendant to produce the witness at the trial. If a party lists as a witness an adverse party, or an officer, director, or managing agent of an adverse party, not subject to subpoena, it shall be the responsibility of such adverse party to produce the witness at the trial.

(iv) The parties may enter into any reasonable stipulations concerning the specific date or hour a witness will be produced, and reasonable stipulations with respect to excusing witnesses after they have testified, or after it has been determined that a witness will not be called.

(v) If a deposition is to be used at the trial, the individual giving the deposition should be listed as a witness. If the entire deposition is not to be offered, the portions that will be offered should be indicated. If there is a dispute as to the admissibility of any deposition testimony, and the parties are unable to resolve the dispute, the court will endeavor to resolve the matter at the final pre-trial conference.

(7) *Triable Issues.* A list of the triable issues as contended by counsel for each of the parties. If any issues raised by the pleadings have been abandoned, notice shall be given of this fact. Every effort shall be made to resolve any disagreements as to the triable issues, whether to the court or the jury, to the end that the triable issues might be stipulated in the final pre-trial order.

(k) Discussion of Settlement Possibilities. At the time of the conference referred to in subsection (j), counsel for each of the parties shall enter into a frank discussion concerning settlement possibilities. In appropriate cases, clients should either be consulted in advance of the conference concerning settlement figures, or be available for consultation. If settlement appears likely, it should be accomplished as early as possible so as to eliminate the necessity of preparing the final pre-trial order. Settlement prospects will be discussed at the final pre-trial conference, and counsel should be fully prepared in this regard. The court will aid in settlement negotiations to the extent requested by the parties.

(l) Final Pre-Trial Order. At the time of, or immediately following, the conference of attorneys, it shall be the duty of counsel for the plaintiff(s) to prepare a final pre-trial order for presentation to the court at the time of the final pre-trial conference. A copy of the proposed final pre-trial order shall be furnished all opposing counsel at least five days in advance of the final pre-trial conference. The form of the order shall conform as nearly as possible, depending upon the nature of the case and the issues involved, to Form 1, Appendix of Forms. The form shall be used as a guide and check list, and all matters suggested by the form, if relevant, together with other matters, depending on the nature of the case, that will serve to clarify and simplify the contested issues, shall be referred to, and the position of the parties made clear, in the final pre-trial order. Illustrative of this requirement, particular reference is made to the obligation of counsel with respect to contract and negligence cases.

(1) In the event there are motions to be ruled upon, or other matters for consideration and determination at the final pre-trial conference, such matters, and any requirements with respect to the filing of trial briefs or requests for jury instructions, will be incorporated in a memorandum dictated by the Court at the conclusion of the final pre-trial conference. The actual or tentative trial date will also be included in the memorandum.

(2) When the final pre-trial order has been completed, counsel for all the parties shall affix their signatures with respect to stipulations, agreements and claims set forth in the order. The order, when approved by the Court and filed with the Clerk, together with any memorandum entered at the conclusion of the final pre-trial conference, will control the subsequent course of the action, unless modified by consent of the parties and the Court, or by an order of the Court, to prevent manifest injustice.

(m) Sanctions. Should counsel fail to appear at any pre-trial conference, either initial or final, or fail to comply in good faith with the provisions of this rule relating to the preparation of the final pre trial order, or fail to comply in good faith with any of the other provisions of this rule, an *ex parte* hearing in the discretion of the court, may be held, and judgment of dismissal or default, or other appropriate judgment, entered, or other sanctions may be invoked, including but not limited to, the imposition of attorney's fees against the defaulting attorney, or his client, or both A willful failure to reveal exhibits and names of witnesses may render such exhibits and the testimony of such witnesses inadmissible at the trial.

Rule 23.

SEPARATION OF ISSUES IN CIVIL CASES

Pursuant to and in furtherance of Rule 42(b), Federal Rules of Civil Procedure, in order to avoid undue delay in the administration of justice in civil litigation wherein the issue of liability may fairly be adjudicated as a prerequisite to the determination of other issues, in jury and nonjury cases, the court, upon motion of any of the parties, or upon its own motion may order a separate trial upon the issue of liability in any claim, cross-claim, counterclaim, or third party claim In the event liability is sustained, the court may recess for pre-trial or settlement conference, or may proceed with the trial before the same or another jury, on any or all of the remaining issues, as conditions may require and the court shall deem just and proper.

Rule 24.

MINORS AND INCOMPETENTS AS PARTIES

(a) Appearance.

(1) In any civil action where any of the plaintiffs are minors or incompetents, whether residents or nonresidents of this state, they must appear by their general or testamentary guardian, if they have one within the state.

(2) In any civil action where any of the defendants are minors or incompetents whether residents or nonresidents of this state, they must appear by their general or testamentary guardian, if they have one within this state.

(b) Appointment of Next Friend or Guardian Ad Litem.

(1) If a minor or incompetent plaintiff has no general or testamentary guardian in this state, said party shall appear by his next friend, who may be appointed as provided for in Rule 17(c), Federal Rules of Civil Procedure. The appointment of a next friend shall be made upon proper application in writing, and after due consideration by the court.

(2) If a minor or incompetent defendant has no general or testamentary guardian in this state, and he has been served with summons as provided for in Rule 4(d) (2), Federal Rules of Civil Procedure, the court, upon motion in writing of any of the parties, or upon its own motion, will appoint a capable and trustworthy person to act as guardian *ad litem*, and shall make such other orders as it deems proper for the protection of the minor or incompetent, as provided for in Rule 17(c), Federal Rules of Civil Procedure.

(c) Supervision and Removal of Next Friend or Guardian Ad Litem. The next friend of a minor or incompetent, or the guardian *ad litem* of a minor or incompetent, is an officer of the court and shall function under the supervision and control of the court. The court may remove the next friend or the guardian *ad litem* as often as may be necessary to protect the rights of minors and incompetents.

(d) Dismissal of Actions. No action to which a minor or incompetent is a party shall be discontinued or dismissed without the approval of the court. A motion for dismissal of the action shall be in writing and shall set forth the reasons why the action should be dismissed, and the effect of the dismissal, if any, upon the rights of the minor or incompetent.

(e) Settlement of Claims of Minors or Incompetents. All settlements of claims of minors or incompetents must be approved by the court No settlement of such claims shall be presented to the court until the issues are joined. If any party to the action has requested a jury trial, a stipulation of the parties withdrawing such request shall be filed with the court.

(f) Same: Hearings.

(1) Upon oral or written motion of the parties, the court will conduct a hearing to determine whether the settlement is fair and reasonable and for the best interests of the minor or incompetent.

(2) At the time of the hearing, the attorneys for the parties shall present, to the satisfaction of the court, the following:

(i) A statement of the facts giving rise to the cause of action set forth in the pleadings, the contentions of the parties with respect to liability and a stipulation covering all relevant and material facts not considered to be in genuine dispute.

(ii) A statement showing the nature and extent of the injuries, the extent of the recovery from such injuries, and the prognosis. Such statement shall be supported by copies of all pertinent medical reports, including a current report of the attending physician.

(iii) Statements of the attorney and parents or guardian of the minor or incompetent as to their satisfaction with the settlement, and their opinion as to the fairness and reasonableness of such proposed statement. If at least 18 years of age, a similar statement shall be presented by any minor plaintiff.

(iv) If material, a statement showing the amount of the medical, hospital and other expenses incurred, or to be incurred, in the treatment of the injuries of the minor or incompetent.

(3) If deemed necessary, the parties should also be prepared to offer sworn testimony of witnesses and furnish documentary evidence in support of all findings made by the court.

(g) Judgments Approving Settlement.

(1) To be consented to. Before judgments approving compromise settlements of claims of minors or incompetents shall be presented to the court, the judgment shall be consented and agreed to by counsel for all parties to the action, by the next friend or guardian of the minor or incompetent and, in cases where the minor is at least 18 years of age, by the minor plaintiffs.

(2) Contents. The judgment presented should provide, *inter alia,* that the parties have agreed to a settlement of all matters in controversy between them and the amount of the settlement; that the court has investigated the matter of the proposed settlement and considered the evidence offered by the parties; that the court is of the opinion, and finds as a fact, that the proposed compromise settlement is fair and reasonable and is for the best interests of the minor or incompetent; and that the court is of the opinion, and finds as a fact, that the compromise settlement agreement should be ratified, approved and confirmed by the court.

(h) Payment of Medical Expenses From Proceeds of Judgment. The court will not order the payment of medical expenses from the proceeds of the judgment unless (1) a parent is the next friend of the minor and the parent has waived his right to the medical expenses, permitting the minor to recover all elements of damage in the action, (2) the minor has no parent or legal guardian, or (3) the minor is emancipated and liable for necessaries.

(i) Same: Reimbursement to Parent.

(1) In cases where all or any part of the medical bills have been paid by the parent, the court will not authorize that the parent be reimbursed from the proceeds of the judgment, except in extraordinary circumstances. If the parent is to be reimbursed, settlement of the parent's claim should normally be separate and apart from the settlement of the minor's claim.

(2) Except in extraordinary circumstances, the settlement of the claim of the parent for medical expenses incurred in the treatment of injuries to the minor, and the loss of services of the minor, should be separate and apart from the claim of the minor. In cases where the settlement of the claim of the parent is separate and apart from that of the minor, the judgment should recite that there has been such a settlement.

(j) Counsel Fees Subject to Approval of Court. In all actions falling within the purview of this rule, the court shall approve or fix the amount of the fee to be paid to counsel for the plaintiff and will make appropriate provision for the payment thereof from the proceeds of the judgment. Counsel for plaintiff shall be prepared to submit to the court the nature and extent of the services rendered to the incompetent or minor plaintiff, and his opinion as to the value thereof, if requested by the court.

(k) Payment of Judgment. The amount of the judgment shall be paid into the office of the clerk of this court and the clerk shall make such disbursements from the proceeds as provided by the judgment of the court. The balance of the proceeds of the judgment shall be paid to the legal guardian of the minor or incompetent, if within this state. If there is no such guardian, the balance of the proceeds shall be paid to the clerk of superior court of the county in which the minor or incompetent resides.

Rule 25.

OPENING STATEMENTS IN CIVIL ACTIONS

At the commencement of the trial of civil actions, the party upon whom rests the burden of proof shall state, without argument, his cause of action and the evidence by which he expects to sustain his claim. The adverse party shall then state, without argument, his defense and the evidence by which he expects to sustain same. If the trial is to the jury, the opening statement shall be made immediately after the jury is empaneled. If the trial is to the court, the opening statement shall be made immediately after the case is called for trial. Opening statements shall be subject to such time limitations as might be imposed by the court.

Rule 26.

RETURN OF CIVIL VERDICTS

In civil jury trials, if a party or counsel voluntarily absents himself from the courtroom prior to the return of the verdict, it shall be conclusively presumed that such party or counsel waived his presence.

Rule 27.

TAXATION OF COSTS

(a) Bond Premiums. If costs are awarded by the court, the reasonable premiums or expense paid on any bond or other security given by the prevailing party shall be taxed as part of the costs.

(b) Witnesses, Fees, Subsistence and Mileage. Executive officers and directors of corporate parties shall not be entitled to witness fees, subsistence and mileage. In addition to the fees and subsistence authorized by statute for other witnesses, they shall be allowed their actual mileage at the statutory rate to and from their place of residence, whether they reside within or without the district.

(c) Filing Bill of Costs. The prevailing party shall prepare a bill of costs as soon as possible after entry of the final judgment, on the form supplied by the clerk. The bill of costs shall contain an itemized schedule of the costs, and a statement signed by counsel for the prevailing party that the schedule is correct and the charges were actually and necessarily incurred. The original of the bill of costs shall be filed with the clerk and a copy served on counsel for the adverse party.

(d) Objections to Bill of Costs, Hearing and Review.

(1) If an adverse party makes specific objections to any item of costs filed by the prevailing party, the clerk shall set the matter for hearing.

(2) If either party is dissatisfied with the ruling of the clerk such action may be reviewed by the court upon motion duly made in writing within five days after the action of the clerk.

III. Criminal Rules

[*Cite these Rules as:* Local Rule ....]

Rule 28.

PRE TRIAL OF CRIMINAL CASES

In protracted criminal cases involving unusual facts and issues, or the use of numerous exhibits, the court, upon motion of either party, or upon its own motion, may suggest a pre-trial conference for the purpose of considering the stipulation of undisputed facts and exhibits, and such other matters as will promote a fair and expeditious trial.

Rule 29.

MOTIONS IN CRIMINAL CASES

Unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, motions in criminal cases, and particularly motions made pursuant to Rules 12, 21 and 41(e), Federal Rules of Criminal Procedure, shall be in writing and state with particularity the grounds therefor and the relief or order sought. All such motions shall be filed with the clerk, and a copy served upon the United States attorney, at least five days prior to the date of arraignment, and accompanied by a brief citing all authorities upon which the movant relies. The court, may, however, in unusual or exceptional circumstances, and for good cause shown, allow such motions to be made at a time later than that fixed by this rule.

Comment: See Local Rule 6 with respect to briefs.

Rule 30.

ARRAIGNMENT

All defendants and their attorneys shall be present for arraignment at 10 o'clock a.m. on the opening day of each regular session of court in the division in which the case is pending.

Rule 31.

OPENING STATEMENTS IN CRIMINAL ACTIONS

In the trial of protracted criminal cases involving unusual or complicated facts or issues, the government and the defendant may make opening statements with reference to their theories of the case and the manner in which they expect to offer their proof. Opening statements shall be subject to such time limitations as might be imposed by the court.

Rule 32.

PLEAS IN MITIGATION OF PUNISHMENT

All pleas in mitigation of punishment in criminal cases shall be made in open court during the trial of the case, and at a time when the United States attorney, or his assistant in charge of the prosecution, is present.

Rule 33.

MOTIONS FOR REDUCTION OF SENTENCE

All motions for reduction of sentence, pursuant to provisions of Rule 35, Federal Rules of Criminal Procedure, if not in writing, shall be made orally in open court in the presence of the United States attorney, or his assistant in charge of the prosecution of the case. If the motion is in writing, the original shall be filed with the clerk and a copy thereof served upon the United States attorney. Only substantial facts unavailable to the defendant, or not brought to the attention of the court, at the time of sentencing will be considered.

Rule 34.

POST-CONVICTION MOTIONS

Motions filed pursuant to 28 United States Code § 2255 making a collateral attack upon a sentence imposed by this court, and petitions for writs of habeas corpus filed in this court by persons in state custody, shall be in writing, signed and verified. Additionally, such motions and petitions shall be on forms supplied by the court, and, to the extent applicable, all information required by the form shall be fully and accurately given.

Rule 35.

REPRESENTATION OF INDIGENT DEFENDANTS

The plan of the court for the representation of defendants who are financially unable to obtain an adequate defense, and for the furnishing of expert and other services, pursuant to the Criminal Justice Act of 1964, provides for representation by private attorneys. For the purpose of preparing and certifying panels of attorneys from which appointments will be made, the Court has appointed a District Committee, and Division Committees in each of the six divisions of the district, composed of experienced attorneys. A member of the District Committee resides in each of the six divisions of the court, and Division Committees have a member from each county in each division. Local bar associations have also been invited to participate in the preparation and certification of panels of attorneys from which appointments will be made. Because of the length of the plan, it is not being reproduced in these rules. A copy is available, however, through the clerk. Every effort has been made to insure that all qualified members of the Bar will be given an equal opportunity to participate in the representation of defendants under the Act. The panels will be revised annually. The court may, in the exercise of its discretion, appoint attorneys to represent defendants under the Act whose names do not appear on the panels.

IV. Bankruptcy Rules

[*Cite these Rules as:* Local Rule ....]

Rule 36.

FILING FEES

(a) Original Petition. At the time of filing the petition initiating a proceeding under the Bankruptcy Act, the filing fees, except as provided in subsection (d) of this rule, shall be deposited with the clerk of court as follows:

(1) For ordinary bankruptcy of an individual or a corporation, $50.00. In partnership cases, $50.00 for each partner and $50.00 for the partnership.

(2) For an arrangement under Chapter XI, $50.00.

(3) For a real property arrangement under Chapter XII, $50.00.

(4) For corporate reorganization under Chapter X, $120.00, if no bankruptcy proceeding. Otherwise, $70.00.

(5) Railroad reorganization, under Chapter XV, $150.00.

(6) For composition of local taxing agency under Chapter IX, $100.00.

(7) For wage earner plan under Chapter XIII, $15.00.

(b) Petition to Reopen Cases. To reopen any closed bankruptcy proceeding there should be a deposit with the clerk of court of the sum of $50.00.

(c) Ancillary Proceedings. For ancillary proceedings there should be a deposit with the clerk of court of the sum of $40.00.

(d) Petitions in Pending Cases. The filing fees for petitions in pending cases are as follows:

(1) Petition to reclaim property from a bankrupt estate, $10.00.

(2) Petition to review an order of the referee, $10.00.

(3) Objections to the discharge, $10.00.

(4) Amendments to schedule of creditors after notice to creditors, $10.00.

Comment: Filing fees for petitions filed with the referee shall accompany the petitions when filed with checks payable to the clerk of court.

(e) Changes. If any of the above filing fees are changed by the Judicial Conference of the United States, they shall be considered as automatic changes in this rule to conform to the new fees adopted by the said Conference.

Rule 37.

FILING ORIGINAL PETITIONS, SCHEDULES AND STATEMENT OF AFFAIRS

(a) Number of Copies and Place to File. In bankruptcy petitions under Chapters I through VII of the Bankruptcy Act (ordinary bankruptcy), the schedule of assets and liabilities and the statement of affairs shall be filed in triplicate originals with each of the three originals duly executed by the bankrupt and filed with the clerk of the court. In involuntary bankruptcy proceedings, the bankrupt should file with the referee within five days after adjudication the schedule of assets and liabilities and statement of affairs as required in Section 7 of the Bankruptcy Act.

Comment: Among the official forms adopted by the United States Supreme Court which have become a part of the Bankruptcy Act as found in the United States Code, are Form No. 1 which constitutes the petition and schedule of assets and liabilities, and Form No. 2 which constitutes the statement of affairs. Official Form No. 5 constitutes the petition for an involuntary proceeding. These forms, except the involuntary forms, are commercially printed and distributed rather widely and may be obtained from local legal supply houses. Hutton Office Supply Company, Bellemeade Street, Greensboro, North Carolina, Telephone: Broadway 3-2790, has agreed to carry for sale such forms at all times and to mail or deliver them to lawyers immediately upon request. Proof of claim forms are also available at the same source. For larger quantities, more economical prices can be obtained by ordering direct from printer such as Tuttle Law Print, Inc., Rutland, Vermont.

(b) Full Name and Trade Names. The bankrupt's full name shall be set out in the petition. In voluntary bankruptcy proceedings, all assumed, fictitious or trade names and any other names or designations by or under which the bankrupt has been known or has conducted any business within six years next preceding the filing of the petition in bankruptcy shall be set forth in the petition. In involuntary proceedings, such facts shall be set forth in the petition to the best knowledge, information and belief of the petitioning creditors. In all cases, such facts shall be set forth in the notices to the creditors of the first meeting of creditors.

(c) Listing Creditors. The list of creditors in the schedule of assets and liabilities should be accurate and complete. The street number, city and state should be listed after each creditor with sufficient accuracy to assure mail delivery.

Comment: An inadequate or incomplete mailing address may result in the bankrupt not being discharged of that indebtedness as being insufficient notice to the creditor.

(d) Inability to Pay Filing Fee. A petition in a voluntary proceeding under Chapters I through VII or Chapter XIII of the Bankruptcy Act may be accepted for filing by the clerk of court if accompanied by a verified petition by the bankrupt stating that the petitioner is without and cannot obtain the money with which to pay the filing fee in full at the time of filing, accompanied by an affidavit of the petitioner's attorney that the attorney has not and will not accept any compensation for his services as such attorney until such filing fee is paid in full. The bankrupt's petition shall state the facts showing necessity for payment of the filing fee in installments and shall set forth the times upon which the bankrupt proposes to pay such fees. No discharge shall be granted until the filing fee is paid in full.

Comment: The limitations and provisions in respect to the installments as well as the facts that the proceeding may be dismissed on failure to pay the costs is contained in General Order No. 35.

(e) **Partnerships.** Where a petition in bankruptcy involves a partnership, the petition should clearly indicate whether the individual partners are included among the bankrupts with the partnership and whether the partners are to be adjudged bankrupts individually along with the partnership. There shall be separate adjudications for each individual and for the partnership. Whether the partners are adjudicated individually or not, the schedule of assets and liabilities should contain a separate list of the assets and liabilities of each partner.

Comment: The discharge of a partnership shall not discharge the individual partners thereof from the partnership debts. Therefore, it is most important to the partners that the petition and the adjudication include the partners. As to the treatment of the partnership and the partners in bankruptcy, see Section 5 of the Bankruptcy Act.

(f) **Personal Property Exemptions.** The $500.00 personal property exemption of the bankrupt as recognized under the laws of the State of North Carolina should be claimed by the bankrupt in the schedule of assets and liabilities. If the bankrupt does not claim the exempt property, the failure to do so will be considered a waiver of his rights to the said exemption. It will be sufficient to protect such rights to claim the $500.00 exemption without identifying the particular property to be included in the allotment.

(g) **Estates by the Entirety.** When one spouse is adjudicated a bankrupt, real estate held by the entirety is not an asset of the bankrupt estate. However, the schedule of assets and liabilities as filed by the bankrupt should indicate what property is held by the entirety. giving the approximate date of purchase, the present value and the location of the property. The value of said property would not be listed in the total value of the bankrupt estate.

(h) **Life Insurance Exemption.** The cash surrender value of life insurance of the bankrupt is exempt if the bankrupt's wife or children are designated beneficiaries. However, the name of the insurance company, policy number, date of issuance and name of the beneficiary as well as the face amount of the policy, should be listed in the schedule of assets and liabilities by the bankrupt. The value of the policy should not be included with the total assets of the estate. The trustee in allotting the exemptions of the bankrupt should allot such life insurance by name of company, number of policy, etc., as indicated in the schedule of assets and liabilities.

Rule 38.

APPEARANCE OF ATTORNEYS

(a) **Qualified Attorneys.** Attorneys appearing before the referee, including attorneys filing proofs of claim, shall be a member of the bar of this court, as provided by Local Rule 2. Attorneys who do not maintain an office in the State of North Carolina may appear in association with members of the bar of this court. Individuals, collection agencies, corporations or associations, not a creditor, shall not be permitted to file claims. Individuals, firms and corporations which are creditors may file proofs of claim on their own behalf, without the use of an attorney.

(b) Disposition of Claims Filed by Disqualified Persons. Any claim received by the referee from an attorney, person or corporation disqualified to file claims as above indicated shall be filed and entered by the referee, provided the claim indicates the mailing address of the creditor. If no complete mailing address of the creditor appears on the claim, then the claim with a copy of this rule shall be returned to the disqualified party attempting to file the claim. If the claim is filed, a copy of this rule shall be forwarded by the referee to the sender of the claim to serve as notice that he is not qualified to file such a claim and will not be recognized as an attorney in this court.

Rule 39.

EMPLOYMENT OF ATTORNEYS

A receiver or trustee shall not employ an attorney except as provided in General Order No. 44.

Rule 40.

COMPENSATION OF ATTORNEYS

(a) Petition for Fees. An attorney for a receiver, trustee, petitioning creditors, bankrupt or debtor shall be allowed compensation only for services necessarily and actually rendered and expenses necessarily and actually incurred and paid. An attorney entitled to compensation for services shall file with the referee his petition setting forth the value and extent of the services rendered in detail indicating the amount requested and what amount, if any, has heretofore been paid to him.

(b) Division of Fees. The petition by an attorney for attorney's fee shall be accompanied by his affidavit stating whether an agreement or understanding existed between the attorney and any other person for a division of the compensation, and if so, the nature and the particulars thereof. The affidavit shall state that no division of fees will be made except as indicated therein Such statement may be incorporated in the petition provided the petition is under oath.

Comment: If the division is with attorney s law partner. such should be indicated. However, the manner or percentage of division is not required to be disclosed. The restrictions on divisions of fees are contained in Section 62 c of the Bankruptcy Act. For a suggested form for the affidavit, see Form No. 3 in the Appendix to these rules.

(c) Fixing Fees. In fixing compensation of an attorney, the following factors shall be taken into consideration:

(1) Amount of work done.
(2) Length of time employed.
(3) Difficulties or intricacies of the bankruptcy proceeding.
(4) Results accomplished.
(5) Amount involved in connection with services rendered.
(6) Size of the estate.
(7) The skill required and experience of counsel in similar cases.
(8) Contingency or uncertainty of compensation.

(d) North Carolina Bar Association Rates. When computing compensation on the basis of time and depending on the importance of the case the referee may consider the recommended minimum fee schedule of the North Carolina Bar Association.

Rule 41.

REFERENCE OF PETITIONS

In accordance with the provisions of 11 United States Code § 45(a), the clerk of court shall refer to the referee in bankruptcy all cases filed under Chapters I through VII, Chapter XI, and Chapter XIII of the Bankruptcy Act.

Rule 42.

PETITIONS, ORDERS AND PLEADINGS AFTER REFERENCE

(a) Filed With Referee. After a proceeding has been referred to the referee all petitions, pleadings and applications for orders within the referee's jurisdiction shall be made to the referee and filed with the referee.

(b) Verification.

(1) Required to be verified are petitions initiating the action in bankruptcy either voluntary or involuntary, statement of affairs, assets and liabilities, statement as to the division of fees as applied for by attorneys, trustee and receiver, and all reports by receiver and trustee in which there is an accounting of funds or reporting the expenses to be paid from the estate and power of attorney.

(2) Not required to be verified or under oath are all pleadings, petitions, motions and applications in the bankruptcy proceeding except as noted above.

Comment: The official caption and verification in bankruptcy proceedings is set forth in Form No. 2, Appendix to these rules.

(c) Service on Trustee. Any person filing a petition to reclaim property or for the release of any rights to property, shall serve a copy of such petition on the trustee or his attorney by mailing the same to him and attaching a statement of such service to the petition as filed with the referee.

(d) Manuscript Covers. Petitions, applications and orders filed with the referee should not have manuscript covers unless such covers are necessary to protect exhibits attached.

Rule 43.

PETITION FOR DISCHARGE OF BANKRUPT

(a) Individual or Partnership. The adjudication of an individual or a partnership operates as an application for a discharge and no further petition is necessary.

(b) Corporation. If a discharge of a corporation is desired, a petition for such discharge must be filed within six months after the adjudication.

Rule 44.

OBJECTIONS TO DISCHARGE

The objection to the discharge may contain one or more specifications of the grounds of opposition to such discharge. Each specification should be numbered and reference made to the applicable subparagraph of Section 14 c of the Bankruptcy Act. Each specification should allege the essential facts and all the elements constituting the bar to discharge and not merely allege generalities or conclusions. A specification alleged in the words of the statute alone is not sufficient except where the specification is under Section 14 c (2) of the Bankruptcy Act for failing to keep accounts and records from which the bankrupt's financial condition and business transactions might be ascertained.

Comment: For the $10.00 filing fee for objections to discharge, see Local Rule 34(d) (3). Official Form No. 44, Specifications of Objection to Discharge, is set forth as Form No. 4 in the Appendix of these rules.

Rule 45.

FEDERAL RULES OF CIVIL PROCEDURE

(a) Applicability. The Federal Rules of Civil Procedure shall, insofar as they are not inconsistent with the Bankruptcy Act and the General Orders, be followed as nearly as may be pursuant to General Order No. 37 under the Bankruptcy Act.

(b) Pre-Trial Conferences. The pre-trial conference procedure under Rule 16, Federal Rules of Civil Procedure and Local Rule 22, shall be used by the referee to its fullest advantage. Request for a pre-trial conference may be made by written motion by any party to any matter being litigated before the referee in bankruptcy.

Comment: The purpose and scope of the pre-trial conference before the referee in involved and complicated matters will be similar and as binding on the parties as a pre-trial conference under Local Rule 22.

Rule 46.

FILING CLAIMS

(a) Form. Proof of claim should be presented on a regular proof of claim form as prescribed by the Bankruptcy Act, being Official Forms Nos. 28, 29, 30, and 31. The proof of claim should have attached to it an itemized statement of the account. If the claim is based on a note or written contract, a true copy or photostatic copy should be attached. All credits should be shown by date, character and amount within the last six months. It is not required that the claim be executed under oath, except the proof of claim should be under oath when power of attorney is included.

Comment: Commercial printers usually combine the four forms into one printed form which is used in filing claims and most frequently referred to as "Proof of Claim Form in Bankruptcy" These forms can be obtained from almost any legal supply company. See also source of supply under Local Rule 37(a), comment. The Bankruptcy Act has been amended dispensing with the requirement of the claim to be under oath; however, execution of power of attorney should be under oath.

(b) Where Filed. All claims should be filed with the referee. Any proof of claim received by the clerk shall immediately be forwarded to the referee for filing where all claims shall be kept as provided by General Order No. 24.

(c) Time for Filing. Claims must be filed within six months after the first date set for the first meeting of creditors.

Comment: See Section 57 of the Bankruptcy Act in regard to filing claims. A claim must be filed in bankruptcy in order to participate in any dividend. A prior filing in a state receivership or other insolvency proceeding does not constitute a filing in the bankruptcy court.

Rule 47.

SOLICITATION OF PROXIES AND VOTING

(a) Requirements for Voting by Attorneys at Law. An attorney desiring to vote more than one claim under power of attorney or proxy at any meeting of creditors may be required by the referee in his discretion to furnish information prior to such voting to include:

(1) The names and amounts of the claims he desires to vote.

(2) Whether any of the creditors' claims he desires to vote are his regular clients, and if so, their names and the approximate length of time they have been such regular clients.

(3) The name of the person from whom he received the claims of creditors who are not his regular clients and the nature of his connection with such person or association or company.

(4) Whether the claims of creditors other than his regular clients have been solicited and if so by whom.

(5) Whether the said claims will be voted in an interest other than that of general creditors.

(b) Inquiry by Referee as to Solicitation of Proxies. The referee at his own instance or at the request of any party in interest in the proceeding may make or permit inquiry to be made as to the solicitation of claims voted or to be voted. If upon such inquiry it appears that any claims, powers of attorney, or proxies have been solicited with the intent or purpose of voting them at any meeting or hearing in the interest of the bankrupt or in the interest other than that of general creditors, the referee shall allow the voting of such claims under such powers of attorney or proxies. If, in the opinion of the referee, the election of the trustee or the determination of any other matter to be submitted is likely to be unfairly affected by such disallowance, the referee may adjourn the meeting and notify the creditors who executed such powers of attorney or proxies of the adjourned date of the meeting to afford them an opportunity to attend and vote or to execute new powers of attorney or proxies.

Rule 48.

APPEALS FROM REFEREE

(a) Petition for Review. Any person aggrieved by an order of the referee may, within 10 days after the entry of such order or within such extended time as a referee upon petition filed within such 10 day period may for cause shown, file with the referee a petition for review of such order by the court, as provided by Section 39 c of the Bankruptcy Act.

(b) Service of Petition and Brief. A copy of the petition, together with a copy of the brief as hereinafter mentioned shall be served upon the adverse parties who were represented at the hearing by mailing copies of the same to the said parties, such service being indicated by a statement filed with the petition for review. The petition for review shall set forth the order complained of and the alleged errors in respect to such order.

Comment: An unofficial form for petitions for review may be found in Collier on Bankruptcy and Remington on Bankruptcy. See Unofficial Form No. 1000 at Page 3861, Vol. 5, Collier on Bankruptcy, and Unofficial Form No. 3500 at Page 810 in the volume on Forms. Remington on Bankruptcy. There are valuable comments and suggestions under each of the forms cited. There is a $10.00 filing fee for each petition for review as referred to in Local Rule 36(d) (2).

(c) Briefs. Every petition for review should be accompanied by a brief in support of the alleged errors and the person filing said brief shall serve a copy thereof on the adverse parties who were represented at the hearing. Within 10 days after the referee files with the clerk his certificate for review, the opposing party shall file with the clerk and serve upon the petitioner his answering brief. Briefs should comply with the requirement as set forth in Local Rule 6.

(d) Hearing on Petitions for Review. The referee shall furnish the clerk of court the name and address of each attorney for the interested parties having appeared in the hearing before him simultaneously with the transferral of the certificate of the referee to the court on the petition for review. Each attorney for the interested parties shall be notified by the referee of the forwarding of the certificate of review to the clerk's office. The clerk upon receipt of the certificate and the names of the attorneys for the interested parties shall immediately make arrangements or cause to be set a hearing on the said petition for review and notify each interested party through his attorney of the date and hour of said hearing. No further notice shall be required of the hearing on the petition for review.

Rule 49.

DEPOSITORIES

(a) Place of Deposit. Receivers and trustees shall deposit all bankruptcy funds in the banks within the district as shall be designated as such depositories, and as directed from time to time, and all funds shall be disbursed by check and countersigned by the referee.

(b) Canceled Checks and Statements. Each depository as designated shall retain the canceled checks and statements and deliver the same to the referee as and when directed No canceled checks will be delivered by the bank to the trustee. However, the trustee may obtain any information about this account from the bank from time to time.

(c) Monthly Report by Bank. Each depository having funds on bankrupt cases will report to the referee and to the clerk of court by not later than the tenth of each month the name and the amount of each bankruptcy case on deposit in the respective bank as of the last day of the preceding month. The acceptance of the account by the depository is an implied agreement to abide by and be subject to these rules in regard to deposits.

Appendix of Forms

FORM 1

(See Local Rule 22)

Check List and Suggested Form of Order on Final Pre-Trial Conference

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
.... DIVISION

Plaintiff(s) }
vs. } Civil Action
Defendant(s) } No. ....

ORDER ON FINAL PRE-TRIAL CONFERENCE

Pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure, and Local Rule 22, a final pre-trial conference was held in the above-entitled cause on the ...... day of ...., 196.. ...., Esquire, appeared as counsel for the plaintiff(s); ...., Esquire, appeared as counsel for the defendant(s).

(1) It is stipulated that all parties are properly before the Court, and that the Court has jurisdiction of the parties and of the subject matter.

Note: If the facts are otherwise they should be accurately stated.

(2) It is stipulated that all parties have been correctly designated, and there is no question as to misjoinder or nonjoinder of parties.

Note: If the facts are otherwise, they should be accurately stated.

(3) If any of the parties are appearing in a representative capacity, it should be set out whether there is any question concerning the validity of the appointment of the representatives. Letters or orders of appointment should be included as exhibits.

(4) In general, the plaintiff(s) claims (claim):

Note: Here set out a brief statement of the contentions of plaintiff(s) as to the basis of recovery.*

(5) In general, the defendant(s) claims (claim):

Note: Here set out a brief statement of how the defendant(s) expects (expect) to defeat recovery, and basis for any asserted counterclaim.*

(6) Any third-party defendant(s) or cross-claimant(s) should follow the same procedure as set out in paragraphs (4) and (5) for plaintiff(s) and defendant(s).*

(7) In addition to the other stipulations contained herein the parties hereto stipulate and agree with respect to the following undisputed facts:

(a)
(b)

Note: Here set out all facts not in genuine dispute.*

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*IN CONTRACT CASES, the parties should stipulate upon, or state their contentions with respect to, where applicable (a) whether the contract relied on was oral or in writing; (b) the date thereof and the parties thereto; (c) the substance of the contract, if oral; (d) the terms of the contract which are relied upon and the portions in controversy; (e) any collateral oral agreement if claimed, and the terms thereof; (f) any specific breach of contract claimed; (g) any misrepresentation of fact claimed; (h) if modification of the contract or waiver of covenant is claimed, what modification or waiver, and how accomplished, and (i) an itemized statement of dam-

(8) The following is a list of all known exhibits the plaintiff(s) may offer at the trial:

(a)

(b)

Note: Here list the pre-trial identification and a brief description of each exhibit.

(9) It is stipulated and agreed that opposing counsel has been furnished a copy of each exhibit identified by the plaintiff(s), except:

Note: Here set out stipulations with respect to (a) the exhibits that have been furnished opposing counsel, (b) the arrangements made for the inspection of exhibits of the character which prohibits or makes impractical their reproduction, and (c) any waiver of the requirement to furnish opposing counsel with a copy of exhibits.

(10) It is stipulated and agreed that each of the exhibits identified by the plaintiff(s) is genuine and, if relevant and material, may be received in evidence without further identification or proof, except:

Note: Here set out with particularity the basis of objection to specific exhibits. It is permissible to generally reserve the right to object at the trial on grounds of relevancy and materiality.

(11) The following is a list of all known exhibits the defendant(s) may offer at the trial:

(a)

(b)

Note: Here list the pre-trial identification and a brief description of each exhibit.

(12) It is stipulated and agreed that opposing counsel has been furnished a copy of each exhibit identified by the defendant(s), except:

Note: Here set out stipulations with respect to (a) the exhibits that have been furnished opposing counsel, (b) the arrangements made for the inspection of exhibits of the character which prohibits or makes impractical their reproduction, and (c) any waiver of the requirement to furnish opposing counsel with a copy of exhibits.

(13) It is stipulated and agreed that each of the exhibits identified by the

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ages claimed to have resulted from any alleged breach, the source of such information, how computed, and any books or records available to sustain such damage claimed.

IN NEGLIGENCE CASES, the parties should stipulate upon, or state their contentions with respect to, where applicable (a) the owner, type and make of each vehicle involved; (b) the agency of each driver; (c) the place and time of accident, conditions of weather, and whether daylight or dark; (d) nature of terrain as to level, uphill or downhill; (e) traffic signs, signals and controls, if any, and by what authority placed; (f) any claimed obstruction of view; (g) presence of other vehicles, where significant; (h) a detailed list of acts of negligence or contributory negligence claimed; (i) specific statutes, ordinances, rules, or regulations alleged to have been violated, and upon which each of the parties will rely at the trial to establish negligence or contributory negligence; (j) a detailed list of nonpermanent personal injuries claimed, including the nature and extent therof; (k) a detailed list of permanent personal injuries claimed, including the nature and extent thereof; (l) the age of any party alleged to have been injured; (m) the life and work expectancy of any party seeking to recover for permanent injury; (n) an itemized statement of all special damages, such as medical, hospital, nursing, etc., with the amount and to whom paid; (o) if loss of earnings is claimed, the amount, manner of computation and period for which loss is claimed; (p) a detailed list of any property damages, and (q) in death cases, the decedent's date of birth marital status employment for five years before date of death, work expectancy, reasonable probability of promotion, rate of earnings for five years before date of death, life expectancy under mortuary table, and general physical condition immediately prior to date of death.

IN THE EVENT THIS CASE DOES NOT FALL WITHIN ANY OF THE CATEGORIES ENUMERATED ABOVE, OR ANY OF THE CATEGORIES SUGGESTED BY THIS FORM, COUNSEL SHALL, NEVERTHELESS, SET FORTH THEIR POSITIONS WITH AS MUCH DETAIL AS POSSIBLE.

defendant(s) is genuine and, if relevant and material, may be received in evidence without further identification or proof, except:

Note: Here set out with particularity the basis of objection to specific exhibits. It is permissible to generally reserve the right to object at the trial on grounds of relevancy and materiality.

(14) Any third-party defendant(s) and cross-claimant(s) should follow the same procedure with respect to exhibits as required of plaintiff(s) and defendant(s).

Note: Attention is called to the provisions of the pre-trial rule with respect to the obligation to immediately notify opposing counsel if additional exhibits are discovered after the preparation of this order.

(15) The following is a list of the names and addresses of all known witnesses the plaintiff(s) may offer at the trial, together with a brief statement of what counsel proposes to establish by the testimony of each witness:

(a)
(b)

Note: It is only necessary to state each material point counsel expects to establish by each witness.

(16) The following is a list of the names and addresses of all known witnesses the defendant(s) may offer at the trial, together with a brief statement of what counsel proposes to establish by the testimony of each witness:

(a)
(b)

Note: It is only necessary to state each material point counsel expects to establish by each witness.

(17) Any third-party defendant(s) and cross-claimant(s) should follow the same procedure with respect to witnesses as above outlined for plaintiff(s) and defendant(s).

Note: Attention is called to the provisions of the pre-trial rule with respect to the obligation of counsel to produce witnesses, and the obligation to immediately notify opposing counsel if the names of additional witnesses are discovered after the preparation of this order.

(18) There are no pending or impending motions, and neither party desires further amendments to the pleadings, except:

Note: Here state facts regarding pending or impending motion. If any motions are contemplated, such as motion for the physical examination of a party, motion to take the deposition of a witness for use as evidence, etc., such motions should be filed in advance of the final pre-trial conference so that they may be ruled upon, and the rulings stated in the final pre-trial order. The same procedure should be followed with respect to any desired amendments to pleadings.

(19) Additional consideration has been given to a separation of the triable issues, and counsel for all parties are of the opinion that a separation of issues in this particular case would (would not) be feasible.

Note: The position of the parties concerning a separation of the issues should be stated. If there is an agreement with respect to separation of triable issues, the stipulation in regard thereto should be inserted in this final pre-trial order. For an excellent discussion of the advantages to be gained in separating the issues in certain types of cases, see O'Donnell v. Watson Bros. Transportation Company, 183 F. Supp. 577 (N.D. Ill., 1960). Also see Rule 42(b), Federal Rules of Civil Procedure.

(20) The plaintiff(s) contends (contend) that the contested issues to be tried by the Court (jury) are as follows:

(21) The defendant(s) contends (contend) that the contested issues to be tried by the Court (jury) are as follows:

(22) Any third-party defendant(s) and cross-claimant(s) contends (contend) that the contested issues to be tried by the Court (jury) are as follows:

Note: In all instances possible, the parties should agree upon the triable issues and include them in this order in the form of a stipulation, in lieu of the three preceding paragraphs.

(23) Counsel for the parties announced that all witnesses are available and the case is in all respects ready for trial. The probable length of the trial is estimated to be .... days.

(24) Counsel for the parties represent to the court that, in advance of the preparation of this order, there was a full and frank discussion of settlement possibilities, as required by Local Rule 22(k), and that prospects for settlement appear to be (excellent) (good) (fair) (poor) (remote). Counsel for the plaintiff will immediately notify the clerk in the event of material change in settlement prospects.

Note: The attention of counsel is specifically called to the provisions of Local Rule 22(k) requiring a frank discussion concerning settlement possibilities at the time of the conference of attorneys referred to in Local Rule 22(j), and the requirement that, if necessary, clients either be consulted in advance of the conference concerning settlement figures or be available for consultation at the time of the conference. The court will make inquiry at the time of the final pre-trial conference as to whether this requirement was strictly observed.

....
Counsel for Plaintiff(s)

....
Counsel for Defendant(s)
Approved and Ordered Filed.

Date: ....
....
United States District Judge

As indicated, the above form is intended as a combination check list and suggested form of final pre-trial order. There will always be variations, depending upon the nature of the case and the issues involved. The parties are expected, in good faith, to agree upon, or state their contentions with respect to, all items suggested in this form, if applicable, and other similar matters, that might tend to expedite the trial. The final pre-trial order should be typed in final form and signed in advance of the pre-trial conference.

OTHER MATTERS OCCURRING AT THE FINAL PRE-TRIAL CONFERENCE, E.G., RULINGS ON MOTIONS, REQUIREMENTS WITH RESPECT TO REQUEST FOR JURY INSTRUCTIONS AND THE SUBMISSION OF BRIEFS, A FORMULATION OF THE TRIABLE ISSUES, IF IN DISPUTE, ETC., WILL BE INCORPORATED IN A MEMORANDUM DICTATED BY THE COURT AT THE CONCLUSION OF THE CONFERENCE.

SPECIFIC ATTENTION IS CALLED TO THE PROVISIONS OF LOCAL RULE 22(j) WHICH REQUIRES COUNSEL FOR EACH OF THE PARTIES WHO WILL PARTICIPATE IN THE TRIAL TO MEET AND CONFER AT LEAST *FIFTEEN* DAYS PRIOR TO THE FINAL PRE-TRIAL CONFERENCE FOR THE PURPOSE OF PREPARING A FINAL PRE-TRIAL ORDER, AND THE PROVISIONS OF LOCAL RULE 22(l) WHICH REQUIRES A COPY OF THE PROPOSED FINAL PRE-TRIAL ORDER TO BE FURNISHED ALL OPPOSING COUNSEL AT LEAST *FIVE* DAYS IN ADVANCE OF THE FINAL PRE-TRIAL CONFERENCE. THESE TIME PROVISIONS ARE CONSIDERED TO BE EXTREMELY IMPORTANT, AND A FAILURE TO OBSERVE THEM MAY RESULT IN IMPOSITION OF APPROPRIATE SANCTIONS. THE PRE-TRIAL RULE SHOULD BE CAREFULLY EXAMINED BEFORE AN ATTEMPT IS MADE TO PREPARE THIS ORDER.

FORM 2

(See Local Rule 39)

Official Caption and Verification

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA

In Bankruptcy No. ....

In the Matter of
.... } PETITION
Bankrupt

To the Honorable ...., Referee in Bankruptcy:

(CONTENTS OF PETITION)

....
Petitioner

....
Attorney for Petitioner
(As to requirement of verification see Local Rule 39(b))

STATE OF ....
COUNTY OF ....

I, ..., the Petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information and belief

....
Petitioner

Sworn to and subscribed before me this the ...... day of ...., 196...

....
Notary Public (or other official)
My commission expires ....

FORM 3

(See Local Rule 38(b))

Division of Attorneys' Fees, Affidavit

(Caption as in Form No. 2)

................................., being duly sworn deposes and says: That he is a petitioner in the above bankruptcy proceeding for compensation as ... ... , that no agreement has been made directly or indirectly by him, and no understanding exists between him and any other person for a division of compensation except as follows ....; and that no division of fees prohibited in Section 62 c of the Bankruptcy Act will be made by the applicant.

....
Applicant

(Verification)
See Form No 2

FORM 4

(See Local Rule 41)

Specification of Objections to Discharge

(Caption as in Form No. 2)

......................., of .... in the County of ...., State of ...., the trustee of the estate (or a creditor) of the above named bankrupt (or the United States attorney for said district or the attorney designated by the Attorney General of the United States), having examined into the acts and conduct of said bankrupt and being satisfied that probable grounds exist for the denial of the discharge of said bankrupt and that the public interest so warrants, does hereby oppose the granting to said bankrupt of a discharge from his debts and specifies the following as grounds of objection: (Here specify in separately numbered paragraphs the grounds of objection).

....
Trustee (or creditor, etc.)

(Verification)
See Form No. 2

(2) RULES OF PRACTICE IN THE DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Rules of Court
of the
United States District Court
for the
Eastern District of North Carolina

Effective January 1, 1962

As Amended Through October 30, 1967

The United States District Court for the Eastern District of North Carolina

COUNTIES IN THE DISTRICT

Beaufort
Bertie
Bladen
Brunswick
Camden
Carteret
Chowan
Columbus
Craven
Cumberland
Currituck
Dare
Duplin
Edgecombe
Franklin
Gates
Granville
Greene
Halifax
Harnett
Hertford
Hyde
Johnston
Jones
Lenoir
Martin
Nash
New Hanover
Northampton
Onslow
Pamlico
Pasquotank
Pender
Perquimans
Pitt
Robeson
Sampson
Tyrrell
Vance
Wake
Warren
Washington
Wayne
Wilson

STATUTORY PLACES OF HOLDING COURT

Clinton
Elizabeth City
Fayetteville
New Bern
Raleigh
Washington
Wilmington
Wilson

UNITED STATES DISTRICT JUDGES

ALGERNON L. BUTLER, *Chief Judge* .... Clinton, North Carolina
JOHN D. LARKINS, JR. .... Trenton, North Carolina

CLERK, UNITED STATES DISTRICT COURT

SAMUEL A. HOWARD .... United States Post Office
and Courthouse
Fayetteville Street
Raleigh, North Carolina
Telephone: 828-8254

REFEREE IN BANKRUPTCY

THOMAS M. MOORE .... 309 West Green
Bank Building
Wilson, North Carolina
Telephone: 237-0158

UNITED STATES PROBATION OFFICE

KIRKWOOD L. HANRAHAN, *Chief Probation Officer* .... United State Post Office
and Courthouse
Fayetteville Street
Raleigh, North Carolina
Telephone: TE 4-6429

In the United States District Court for the Eastern District of North Carolina

IN THE MATTER OF
RULES OF PRACTICE IN THIS COURT } ORDER

Pursuant to the authority of Section 2071 of Title 28 of the United States Code; Rule 83, Federal Rules of Civil Procedure; Rule 57, Federal Rules of Criminal Procedure; Rule 44, Rules of Practice in Admiralty and Maritime Cases; and Order 56, General Orders in Bankruptcy; and for good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

(a) The General Rules, the Civil Rules, the Criminal Rules, the Rules in Bankruptcy, Rules for Naturalization, and Admiralty Rules attached hereto are hereby approved and adopted to govern the applicable practice in this court.

(b) These rules shall supersede all rules or orders heretofore adopted pertaining to practice before this court.

(c) The effective date of these rules shall be the 1st day of January, 1962, and they shall govern all proceedings thereafter commenced and so far as just and practicable all proceedings then pending; except that, for purposes of Civil Rule 7, Pre-Trial, a case previously at issue shall be deemed to have reached issue on the effective date of these rules. Unless otherwise ordered by the court, cases already pre-tried shall not be subject to Rule 7.

(d) When, by legislative enactment or by judicial rule or order, it is apparent that a conflict exists, these rules shall be considered automatically changed so as to conform to these higher authorities.

(e) The clerk shall arrange for the printing and distribution of these rules and any amendments made subsequent to their adoption. In addition to the distribution required by the Federal Rules of Civil Procedure the Federal Rules of Criminal Procedure and General Orders of Bankruptcy, the clerk shall furnish two copies of these rules to each law school in the State of North Carolina, and shall make copies of the rules available to the members of the bar and the public under the directions of the court.

(f) This order shall be entered on the records of this court and a copy of said rules filed in the office of the clerk in each of the divisions of the United States District Court for the Eastern District of North Carolina.

Dated: September 11, 1961.

ALGERNON L. BUTLER
United States District Judge

Preface

The court heretofore appointed a committee of distinguished lawyers of this district to make a study and to recommend local rules of practice for the Eastern District of North Carolina. The committee is composed of Francis E. Winslow of Rocky Mount, Chairman, John H. Hall of Elizabeth City, John C. Rodman of Washington, Claud R. Wheatly, Jr. of Beaufort, George Rountree, Jr. and Alan A. Marshall of Wilmington, Ozmer L. Henry of Lumberton, James R. Nance of Fayetteville, W. T Joyner and John H. Anderson, Jr. of Raleigh, and Charles P. Green of Louisburg. The court acknowledges with grateful appreciation the careful work of the committee in compiling modern rules of court adapted to the local needs of this district. Appreciation is also expressed to the United States Attorney and the Referee in Bankruptcy who acted in an advisory capacity, and to the Clerk of Court who served as an advisor and as secretary to the committee.

In order to promote uniformity of practice within the State, the rules of the Middle District of North Carolina have been recommended for adoption, with certain modifications to conform to local preferences. The Admiralty Rules of this district which were adopted in February, 1956, have been recommended without change.

These rules embody modern techniques for improving and expediting the operation of the courts and the administration of justice, and represent a substantial improvement in procedural reform in this district. However, rules of court must inevitably change if they are to keep pace with our social, economic, and political development. Therefore, I have requested the same committee that has labored so well in the formulation of these rules to serve as a standing committee for a term of two years to solicit the cooperation of the bench and bar of this district in a continuous study for the purpose of recommending new rules or amendments of the rules, whenever desirable. All lawyers and laymen are urged to participate in the rulemaking work and to bring to the attention of the committee suggestions for improvements. Proposed changes and comments relating to the rules should be directed to The Committee on Rules of Court, United States District Court, United States Post Office and Courthouse, Raleigh, North Carolina.

ALGERNON L. BUTLER
United States District Judge

Clinton, North Carolina
September 11, 1961.

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  - A. Petition for Fee.
  - B. Division of Fees.
  - C. Fixing Fees.
  - D. North Carolina Bar Association Rates.
- 7. Petitions, Orders, and Pleadings After Reference.
  - A. Filed With Referee.
  - B. Verification.
  - C. Service on Trustee.
  - D. Manuscript Covers.

RULE
- 8. Petition for Discharge of Bankrupt.
  - A. Individual or Partnership.
  - B Corporation.
- 9. Objections to Discharge.
- 10. Federal Rules of Civil Procedure.
  - A. Applicability of the Federal Rules of Civil Procedure.
  - B. Pre-Trial Conferences.
- 11. Filing Claims.
  - A. Form.
  - B. Where Filed.
  - C. Time for Filing.
- 12. Solicitation of Proxies and Voting.
  - A. Attorney at Law.
  - B. Inquiry by Referee as to Solicitation of Proxies.
- 13. Appeals From Referee.
  - A. Petition for Review.
  - B. Service of Petition and Brief.
  - C. Briefs.
  - D. Hearing on Petitions for Review.
- 14. Depositories.
  - A. Place of Deposit.
  - B. Monthly Report by Bank.

APPENDIX OF FORMS
- Form 1. Official Caption and Verification.
- Form 2. Division of Attorney's Fee, Affidavit.
- Form 3. Specification of Objections to Discharge.

V. Naturalization

- 1. Procedure.

VI. Supplemental Rules for Certain Admiralty and Maritime Claims

- 1. Process; Return of Same.
- 2. Service of Process—How Made and When Completed.
- 3. Publication.
  - (a) Notice of Arrest.
  - (b) Hearing After Publication.
  - (c) Notice of Sale, Suits *in Rem;* Daily Publication.
  - (d) Sale of *Res* by Interlocutory Decree.
- 4. Duty of the Marshal Upon the Arrest or Attachment of Vessel or Other Property.
- 5. Property in Possession of Collector.
  - (a) Notice to Collector Requiring Detention of Property
  - (b) Collector Not in District; Notice to Custodian of *Res*
  - (c) Notice to Owners or Agent.
- 6. Security for Costs.
  - (a) Bond Required.
  - (b) Special Suitors, Bond Not Required.

RULE
- 7. Verification of Pleadings and Interrogatories
- 8. Time to Plead or Except; Interrogatories.
  - (a) Time for Answer After Issuance of Process.
  - (b) Time for Answer Before Issuance of Process After Filing of Claim.
  - (c) Time for Filing Exceptions to Answer.
  - (d) Time for Amending Pleadings After Submission to Exceptions.
  - (e) Exceptions Overruled; Time for Answer.
  - (f) Time for Answer; United States as Respondent.
- 9. Joinder.
  - (a) Joinder at Commencement of Action.
  - (b) Intervention After Commencement of Action.
- 10. Consolidation.
- 11. Severance.
- 12. Substitution of Parties.
- 13. Attachments.
  - (a) Sufficiency of Service in Proceedings *in Personam.*
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- 14. Appraisements and Appraisers.
  - (a) Order for Appraisement Upon Seizure of Property for the United States.
  - (b) Orders for Appraisement Upon Seizure of Property for Private Party.
  - (c) Appointment of Appraiser.
  - (d) Notice of Making Appraisement; Filing of Appraisement.
- 15. Release of Seizures.
  - (a) Giving Bond.
  - (b) Suits for Sum Certain; Payment Into Court.
  - (c) Suits Not Possessory, Petitory or Licitation; Filing Approved Bond.
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- 16. Summary Release From Arrest or Attachment
- 17. Decree of Default.
  - (a) Decree by Default at Expiration of Time for Answer
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RULE
17. Decree of Default—Continued
    (c) Final Decree in Breach of Contract Actions, Damages Liquidated.
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    (a) Tender Prior to Suit; Prior to Filing Answer
    (b) Withdrawal of Tender by Plaintiff.
    (c) Effect of Consent That Tender Be Paid to Plaintiff.
    (d) Offer of Decree Prior to Trial.
    (e) Court's Discretion: Costs and Disbursements.
19. Offer of Damages After Interlocutory Decree.
20. Commissioners' Reports and Fees.
    (a) Appointment of Commissioner; Fixing Time and Place for Hearing.
    (b) Disposition of Commissioner's Report.
    (c) Nonpayment of Commissioner's Fee; Exceptions to Amount; Payment Enforced by Court.

RULE
20. Commissioners' Reports and Fees — Continued
    (d) Exceptions to Commissioners' Reports.
21. Judicial Sale, Return of, by Marshal.
    (a) Disposition of Proceeds of Judicial Sale; Filing of Marshal's Account.
    (b) Wharfage, Storage and Like Charges While Property in Marshal's Custody.
    (c) Bills of Costs.
22. Claims After Sale—How Limited.
23. Stay of Execution.
24. Summons and Severance Abolished.
25. Terminology.
    (a) Court.
    (b) Clerk.
    (c) Marshal.
    (d) Service.

I. General Rules

[*Cite as follows:*
Gen. Rule ...., U.S. Dist. Ct., E.D.N.C.]

Rule 1. Attorneys.

A. Roll of Attorneys. The bar of this court consists of those heretofore and those hereafter admitted to practice before this court who have taken the oath prescribed by the rules in force when they were admitted or the oath prescribed by this rule.

B. Eligibility. Any person who is a member in good standing of the bar of the the Supreme Court of North Carolina, and is a resident of the State of North Carolina, and maintains an office in the State of North Carolina, is eligible for admission to the bar of this court.

C. Special Admission. Any person who is a member in good standing of the bar of the Supreme Court of the United States, or a member in good standing of the bar of the highest appellate court of any state in the United States, may be permitted to appear in a particular case in this court as hereinafter provided.

D. Procedure for Admission. Every person making application for admission to practice in this court shall, prior to being presented in open court for taking the required oath or affirmation, file a written application certified to by two attorneys who are members in good standing of the bar of this court, stating that the applicant is of good moral character and professional reputation and that he meets the requirements of these rules for admission to the bar of this court.

No person shall be admitted to practice in this court as an attorney except on oral motion in open court by a member of the bar of this court. If required, the applicant shall offer satisfactory evidence of his moral and professional character. After the motion for admission has been granted, the applicant shall take the following oath or affirmation:

> I do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will demean myself as an attorney of this court, uprightly and according to law. So help me God.

The fee for admission to the bar of this court shall be $2.00 and shall be paid to the clerk after the oath is administered to the applicant.

E. Attorneys Who Do Not Maintain an Office in This State and Parties Appearing Pro Se. Except attorneys representing governmental agencies or parties appearing *pro se*, any attorney who has not been admitted to practice in this court, and who does not maintain an office in this state for the regular transaction of business, shall, in each proceeding in which he appears, including the filing of any papers or pleadings, have associate counsel who is a member of the bar of this court and who resides in and maintains an office in this State. The appearance and office address of such associate counsel shall be entered of record, and all notices, rules, and pleadings may be served upon such associate counsel in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure and with the rules and practice of this court. The attendance of any such associate counsel upon any motion, hearing, or taking of testimony shall be sufficient appearance for the party or parties whom he so represents.

Any pleading presented for filing by an attorney not admitted to practice in this court and who does not maintain an office in the State of North Carolina for the regular transaction of business shall not be filed by the clerk unless at the time of the presentment of said pleading said attorney causes a member of the bar of this court, with offices located in the State of North Carolina, to enter a written appearance as counsel of record for the party litigant which said attorney represents.

F. Withdrawal of Appearance. In any civil or criminal proceeding, no attorney whose appearance has been entered shall withdraw his appearance or have it stricken from the record, except with leave of the court.

G. Agreements of Attorneys. All agreements of attorneys relating to the business of the court shall be in writing; otherwise, if disputed, they will be considered of no validity.

H. Disbarment and Discipline. Any member of the bar of this court may, for good cause shown, and after an opportunity has been given him to be heard, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the court may deem proper.

Whenever it is made to appear to the court that any member of this bar has been disbarred or suspended from practice pursuant to action on the part of any other court or the pertinent state agency governing or regulating the practice of attorneys, he shall be deemed temporarily suspended forthwith from practice before this court; and, unless upon notice mailed to him at his last known place of residence he shows good cause to the contrary within ten (10) days, there shall be entered an order of disbarment or of suspension for such time as the court shall fix.

Any person who, before his admission to the bar of this court, or during his disbarment or suspension, exercises in this State, or in any action or proceeding pending in this court, any of the privileges of a member of the bar, or pretends to be entitled to do so, is guilty of contempt of court and subjects himself to appropriate punishment therefor.

I. Courtroom Decorum. Counsel in the courtroom shall conduct and demean themselves with dignity and propriety. When addressing the court, counsel shall rise unless excused by the court and all statements and communications to the court shall be clearly and audibly made from the counsel table or, if the court is equipped with an attorney's lectern, from a standing position behind the lectern facing the court. Counsel shall not approach the bench unless requested to do so by the court or unless permission is granted upon the request of counsel.

J. Professional and Judicial Ethics. The ethical standards relating to the practice of law in this court shall be the canons of professional ethics of the American Bar Association, now in force, and as hereafter modified or supplemented; and the judicial ethical standards shall be the canons of judicial ethics of the American Bar Association, now in force, and as hereafter modified or supplemented. [A copy of the American Bar Association's "Canons of Professional and Judicial Ethics" is filed in the office of the clerk in each of the divisions of this court.]

Rule 2. Court Schedule and Conduct of Business

A. Headquarters of the District. The headquarters of the clerk of the court for this district shall be in Raleigh.

B. Divisions of the District, Counties Comprising the Divisions, Regular Sessions of Court and Motion Days. There shall be seven divisions of this court. Headquarters of each division and the counties comprising the divisions are as follows:

Name of Division	*Headquarters*	*Counties Comprised*	
Elizabeth City Divisi	Elizabeth City	Camden	Gates
		Chowan	Hertford
		Currituck	Pasquotank
		Dare	Perquimans
Fayetteville Division	Fayetteville	Cumberland	Sampson
		Robeson	
New Bern Division	New Bern	Carteret	Lenoir
		Craven	Onslow
		Jones	Pamlico
Raleigh Division	Raleigh	Franklin	Vance
		Granville	Wake
		Harnett	Warren
		Johnston	
Washington Division	Washington	Beaufort	Martin
		Bertie	Pitt
		Greene	Tyrrell
		Hyde	Washington
Wilmington Division	Wilmington	Bladen	Duplin
		Brunswick	New Hanover
		Columbus	Pender
Wilson Division	Wilson	Edgecombe	Northampton
		Halifax	Wayne
		Nash	Wilson

Sessions of court and motion days shall be determined by the court and orders designating the sessions as to divisions shall hereafter issue.

C. Court in Continuous Session. The court shall be in continuous session in all divisions of the district on all business days throughout the year, and all matters of either a criminal or civil nature not reached at the regular sessions of court are deemed to be in an open status and subject to being called for disposition before the next regular session of court upon reasonable notice to the interested parties.

D. Place of Holding Court. Regular or special sessions of court, motion days, pre-trial conferences and other court business will be conducted in the courtroom in the division headquarters building unless otherwise directed. On opening day of a session, court shall commence at 10:00 A.M.; on all other days, unless the presiding judge shall otherwise direct, court shall begin at 9:30 A.M.

E. Order of Business, Regular Sessions of Court. At the regular sessions of court, criminal cases shall be given priority as far as practicable. Civil cases shall be considered next and they will be followed by the consideration of miscellaneous matters brought to the attention of the court.

F. Jury Panels. Separate jury boxes shall be maintained for each division, and the clerk of this court and the jury commissioner shall from time to time, as need may appear, and as by law provided, place in the jury boxes of the several divisions names of suitable and qualified persons to be selected in each instance from the respective divisions and in such number as to the clerk and the jury commissioner may appear proper.

Rule 3. Sureties

A. Nature of Security. In both civil and criminal actions, except as otherwise provided by law, every recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bonds", must be secured by the deposit of cash or negotiable government bonds equal at their par value to the amount of such penal bond; and, in both civil and criminal actions, penal bonds shall be allowed and taken with security, or one or more sureties, as provided by the federal statutes, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure. However, it shall be understood that any judge of this district may, in his discretion, from time to time, enter pertinent orders restricting any bonding company or surety company from being accepted as surety upon any bond in any case or matter in this district.

B. Prohibited Sureties. Members of the bar, administrative officers and employees of this court, the United States Marshal, his deputies and assistants, shall not act as surety in any suit, action or proceeding pending in this court.

Rule 4. Motions Filed Prior to Trial

A. Motions To Be Written. All motions, including objections to interrogatories or objections to requests for admission, filed prior to trial, must be written.

B. Service by Movant and Respondent. The movant and respondent shall serve copies of their respective papers upon opposing party or his counsel when such papers are filed with the clerk.

C. Documents Substantiating Motion. When allegations of fact are relied upon in support of a motion, all pertinent affidavits, transcripts of depositions, and other documents must accompany the motion whenever practicable. In any event, such supporting documents must be filed within 10 days after the motion has been filed, unless otherwise ordered by the court.

D. Briefs Supporting Motions, Submission of. Motions shall be accompanied by a brief or memorandum unless the motion itself discloses the basis upon which the relief sought by the movant should be granted.

E. Order Proposed, Submission of. The movant and the respondent may submit to the court at the time of filing their respective papers a draft of the order which they desire the court to enter and shall do so upon request of the court. The proposed order shall not become a part of the record in the case; provided, an order that has been tendered and modified or refused may thereafter be filed if so directed by the court.

F. Response to Motions. If the respondent to a motion desires to file a response, brief, affidavit, or other document in support of his position, he shall file same within 20 days after service of the motion and brief, unless otherwise ordered by the court.

G. Reply Briefs. A brief in reply to matters argued in the respondent's brief may be filed by the movant within 20 days after service of the respondent's brief, unless otherwise ordered by the court.

H. Hearing of Motions. Motions will be considered and decided without a hearing, unless otherwise ordered by the court, or unless requested by counsel for either movant or respondent. Uncontested motions will not be denied without giving the movant an opportunity to be heard.

I. Failure to File and Serve Papers. Failure of a party to file and serve his papers within the time herein specified, unless the time therefor has previously been otherwise fixed by order of the court, will be noted by the court and may constitute a waiver of the right to thereafter file such papers, unless good cause for the failure is shown.

J. Notice of Hearing. Hearing of motions shall be had on such notice as is provided by the Federal Rules of Civil Procedure.

K. Conference With Respect to Motions and Objections Relating to Discovery. With respect to all motions and objections relating to discovery pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, counsel for each of the parties shall meet and confer in advance of the hearing in a good faith effort to narrow the areas of disagreement. It shall be the responsibility of counsel for the movant to arrange for the conference.

Rule 5. Briefs or Memorandums

A. Service. Every brief or memorandum required by these rules or an order of the court shall be served upon opposing parties or their counsel when same is presented to the court, or to the clerk for the use of the court, and a certificate shall be filed with the clerk indicating the time and method of service. Briefs and memorandums shall not become a part of the record in the case.

B. Contents of Brief. All briefs filed with the court shall contain, wherever applicable to the point involved:

1. A statement of the nature of the matter before the court.
2. A statement of the question or questions involved.
3. The argument, including a reference to and a discussion of the application of statutes, rules, and authorities relied upon.

C. Citation of Cases. Cases cited should include parallel citations, the year of the decision, and the court deciding the case. The following are illustrations of this rule:

1. State Court citation: Rawls v. Smith, 238 N. C. 162, 77 S.E. 2d 701 (1953).
2. District Court citation: Smith v. Jones, 141 F. Supp. 248 (E.D.S.C. 1956).
3. Court of Appeals citation: Smith v. Jones, 237 F.2d 597 (4th Cir., 1956).
4. United States Supreme Court citation: Smith v. Jones, 325 U. S. 196, 65 S.Ct. 1120, 89 L.Ed. 1554 (1954).
5. If a petition for certiorari was filed in the United States Supreme Court, disposition of the case in the Supreme Court should always be shown with parallel citations. For example:

Carson v. Warlick, 238 F.2d 724 (4th Cir., 1956), certiorari denied 353 U. S. 910, 77 S.Ct. 665, 1 L.Ed.2d 664 (1957).

Rule 6. Examination of Jurors

A. Rules 47, F. R. Civ. P. and 24(a), F. R. Cr. P. Apply. The examination of prospective jurors shall be made as provided in Rule 47 of the Federal Rules of Civil Procedure, and Rule 24(a) of the Federal Rules of Criminal Procedure.

B. Jury Lists. When the jury for a session of court is drawn, members of the bar of this court shall be permitted to have a copy of the list. The list shall set out the name and address of each juror. But the jurors shall not be contacted either directly or through any member of the immediate family of any juror, in an effort to secure information concerning the background of any member of the jury panel.

When the jurors report for duty at a session of court, the clerk shall make available to members of the bar of this court a jury list which sets forth the name, address, and occupation of each juror as shown by the records of the court; and when seated in the jury box a chart, or list, will be furnished by the clerk to the parties, or their counsel, upon request, revealing the name and seating assignment of each juror.

Rule 7. Opening Statements

A. Civil Actions. When the trial of a civil action is begun, after the jury has been empaneled in cases to be tried by a jury, the party on whom rests the burden of proof shall succinctly state, without argument, his cause of action and basic contentions. The adverse party may then, without argument, succinctly state his defense and cross-action or counterclaim, if any, and basic contentions. Pleadings shall not be read in any cause unless otherwise directed by the court.

B. Criminal Actions. In the trial of criminal cases, the government may make opening statements with reference to its theory of the case, and the manner in which it expects to offer proof; such opening statements by the government must be made after plea or arraignment and before the introduction of evidence by the government. The defendant, through his attorney, may make an opening statement immediately following the opening statement by the government, or immediately preceding the offering of evidence by the defendant.

Rule 8. Argument

In all cases, both civil and criminal, the right to open and close the argument shall belong to the party who has the burden of proof, except that in cases where the defendant offers no evidence, such defendant shall have the right to close the argument; provided, however, the court in its discretion can otherwise determine the order of argument.

Rule 9. Instructions

In all cases tried by a jury, the points on which either party desires the jury to be instructed must be in writing and furnished to the court before the argument to the jury commences, subject to the provisions of Rule 51 of the Federal Rules of Civil Procedure.

Rule 10. Designation of Contents of Record on Appeal

A. Time for Filing Designation. Unless the parties file a written stipulation with the clerk within 20 days after notice of appeal is filed designating the papers which shall constitute the record on appeal, the clerk shall certify and forward to the Court of Appeals all the original papers in the case file dealing with the action or proceeding in which the appeal is taken.

B. Notice by Clerk. When notice of appeal is filed, the clerk shall notify the parties of the provisions of this rule.

C. Record on Appeal. The attention of the clerk and the bar is directed to the United States Court of Appeals, Fourth Circuit, rule relating to records on appeal from district courts. (U.S.Ct. of App.4th Cir. Rule 9, 28 U.S.C.A.)

D. Clerk's Fees in Cases on Appeal. The clerk of this court shall charge and collect $5.00 for filing each Notice of Appeal, and in addition thereto, for making a copy (except a photographic reproduction) of any record or paper, and the certification thereof 65 cents per page; for comparing with the original thereof any copy (except a photographic reproduction) of any transcript of record, entry, record, or paper, when such copy is furnished by the person requesting its certification, 10 cents for each page, and 50 cents for each certificate; and for a photographic reproduction and certification of any record or paper, 50 cents per page; and for comparing with the original thereof any photographic reproduction of any record or paper not made by or under the supervision of the clerk, 5 cents for each page and 50 cents for each certificate.

Rule 11. Photographing and Reproducing Court Proceedings

The taking of photographs in the courtroom, or court offices or in the corridors immediately adjacent thereto, during the progress of judicial proceedings, or any proceeding ancillary or incident thereto, or during any recess of the court, and the transmitting or sound-recording of such proceedings for broadcasting by radio or television, introduces extraneous influences which tend to have a detrimental psychological effect on the participants and to divert them from the proper objectives of the trial, and shall not be permitted.

Proceedings, other than judicial proceedings, designed and conducted as ceremonies, such as naturalization proceedings, administering oaths of office to appointed officials of the court, presentation of portraits and similar ceremonial occasions, may be photographed in or broadcast from the courtroom, with the permission and under the supervision of the court.

Rule 12. Powers of Clerk

A. Approval of Security. The clerk or deputy clerk is authorized to approve all recognizances, stipulations, bonds, guaranties, or undertakings, in the penal sum prescribed by statute or order of the court, whether the security be property, or personal or corporate surety.

B. Seizure of Person or Property. All acts and duties pertaining to the seizure of person or property as provided by the law of the State of North Carolina, authorized or required to be done by a judge or the clerk of a state court, may be done in like cases by the district judge or the clerk of the district court, as the case may be.

C. Orders and Judgments. Pursuant to the provisions of Rule 77(c), Federal Rules of Civil Procedure, the clerk or the deputy clerk(s) in the division in which the action or proceeding is pending, is/are authorized to grant and enter the following orders and judgments without further direction by the court, but his action may be suspended, altered or rescinded by the court for cause shown:

1. Consent orders for the substitution of attorneys.

2. Consent orders extending for not more than 30 days the time within which to answer or otherwise plead, answer interrogatories submitted under Rule 33, Federal Rules of Civil Procedure, or requests for admission as provided for in Rule 36, Federal Rules of Civil Procedure. Matters in bankruptcy and those matters excluded in Rule 6(b), Federal Rules of Civil Procedure, are not included in this authorization.

3. Consent orders dismissing an action, except in bankruptcy proceedings and in causes to which Rule 23(c) and Rule 66, Federal Rules of Civil Procedure, apply.

4. Orders cancelling liability on bonds.

5. Orders changing the time of opening and adjourning court in the absence of the judge.

6. Judgments by default as provided for in Rule 55(a) and 55(b) (1), Federal Rules of Civil Procedure.

7. Any other motions, rules, orders, or proceedings which are grantable of course or without notice may be received, disposed of, and acted upon at any time by the judge or the clerk, as the case may be or require.

8. Pursuant to the provisions of 28 U.S.C. § 956, the clerk or the deputy clerk(s), when there is need to serve a complaint and attachment upon a vessel, or any other process incident to admiralty and maritime claims, either *in rem* or

in personam, are empowered to grant and enter an order authorizing any sheriff or any deputy sheriff, or other suitable person, to serve all such process.

Consent to an order shall be indicated by the signature of an attorney of record for each of the parties.

D. Other Powers and Duties. The clerk or deputy clerk shall exercise any other powers and perform any other duties assigned to them by the court pursuant to 28 U.S.C. Sec. 956.

Rule 13. Removal of Papers From the Custody of the Clerk

A. Temporary Removal. Papers on file in the office of the clerk shall be produced pursuant to a subpoena from any court directing their production, or in the discretion of the clerk, may be temporarily removed by the United States Attorney, the Referee in Bankruptcy, or for the court. Otherwise, papers may be removed from the files only upon order of the court. Whenever papers are withdrawn, the person receiving them shall leave with the clerk a signed receipt identifying the papers taken.

B. Permanent Removal. Upon a proper showing, the court may permit a paper or a record to be permanently withdrawn.

Rule 14. Custody and Disposition of Models and Exhibits

A. Custody. After being marked for identification, exhibits of a documentary nature offered or admitted in evidence in any cause pending or tried in this court, shall be placed in the custody of the clerk unless otherwise ordered by the court. All other exhibits, models, and material offered or admitted in evidence shall be retained in the custody of the attorney or party producing same at trial.

B. Removal. Whenever any models, diagrams, exhibits or material have been placed in the custody of the clerk, said articles shall be removed by the party offering such evidence, except as otherwise directed by the court, within 30 days after final judgment. At the time of removal, a detailed receipt shall be given to the clerk and filed in the case file.

C. Neglect to Remove. If the party offering models, diagrams, exhibits, or materials for evidence which have been placed in the custody of the clerk fails to remove such articles as provided herein, the clerk shall write the attorney of record, or if none, the party offering the evidence, calling attention to the provisions of this rule. If the articles are not removed within 30 days after the mailing of such notice, they may be destroyed by the clerk.

Rule 15. Court Library

A. Use of Books. Attorneys practicing before this court, the United States Attorney or any member of his staff, and other law enforcement officers of the government may borrow the books in the court library for use in the library or courtroom; however, no book may be removed from the courthouse.

B. Receipt for and Return of Books. Books removed from the library shall be receipted for by the borrower. Persons removing books from the library pursuant to this rule shall be responsible for their immediate return.

Rule 16. Procedure in Cases of Contempt of Court

A. Criminal Contempt. In all cases of criminal contempt the procedure prescribed by Rule 42 of the Federal Rules of Criminal Procedure shall be followed.

B. Civil Contempt. In all cases of civil contempt the contemner shall have due notice of the contempt charges against him, opportunity to reply to the charges, and notice of the date and place of hearing in open court from which the public shall not be excluded. At the hearing on the contempt charges the contemner shall have the right to defend himself against the charges and to offer evidence in the form of affidavits, and the movant shall have the right to offer the same sort of evidence in his behalf. In no case of civil contempt shall the parties be entitled to a jury trial, but the district judge before whom the case is tried shall find the facts and enter his judgment or order accordingly.

C. Appeals. Appeals from contempt orders or judgments shall be governed by the applicable Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure relating to appeals.

Rule 17. Procedure in Habeas Corpus and Motions Under 28 U.S.C.A. § 2255

A. Federal Prisoners. Upon the filing by a federal prisoner of an application for a writ of habeas corpus under 28 U.S.C.A. § 2242, or a motion to vacate, set aside or correct sentence under 28 U.S.C.A. § 2255, the clerk shall cause one copy of the application or motion to be served immediately on the United States Attorney, and the United States shall file answer to each claim asserted and shall admit or deny the allegations or contentions upon which the petitioner relies, and shall set forth affirmatively any other reason for denying relief. The United States shall attach to its answer certified copies of the indictment, plea of petitioner, and the judgment, or such of them, and such other records, as may be material to the issues joined.

The original and a copy of the answer and attachments shall be filed with the clerk and a copy served on the petitioner or his counsel within twenty days after the service of the application or motion, unless a shorter time is ordered by the court.

B. State Prisoners. Upon the filing by a state prisoner of an application for a writ of habeas corpus under 28 U.S.C.A. § 2242, the clerk shall cause one copy of the application to be served immediately on the respondent, and the respondent shall file answer to each claim asserted and shall admit or deny the allegations or contentions upon which the petitioner relies, and shall set forth affirmatively any other reason for denying relief. The respondent shall attach to his answer certified copies of the indictment, plea of petitioner, and the judgment, or such of them, and such other records, including the records of any post-conviction proceedings, as may be material to the issues joined.

The original and a copy of the answer and attachments shall be filed with the clerk and a copy served on the petitioner or his counsel within twenty days after service of the application, unless a shorter time is ordered by the court.

Rule 18. Procedure in Applications for Habeas Corpus by Persons in State Custody

A. Applications for writ of habeas corpus by persons in state custody shall be in writing, signed and verified. Such applications shall be on forms supplied by the court.

B. The following information shall be supplied by every petitioner:

1. The name of the petitioner;
2. The name of the respondent and the name of the institution in which confined;
3. The place of petitioner's detention;
4. The name and location of the court which imposed sentence;
5. The offense(s) for which sentence was imposed;
6. The date upon which sentence was imposed and the terms of the sentence;
7. Whether petitioner pleaded guilty, not guilty, or nolo contendere;
8. If plea was not guilty, whether petitioner had a jury trial;
9. Whether petitioner appealed to the Supreme Court of North Carolina; and, if so, the result of such appeal, the date of such result, and (if known) the citation of any written opinion;
10. If petitioner did not appeal, the reasons why he did not do so;

11. In concise form, the grounds on which petitioner bases his allegation that he is being held in custody in violation of the Constitution and laws of the United States, the facts which support each of these grounds, and whether any such grounds have been previously presented to any court, state or federal, in any proceeding; if so, which grounds have been previously presented and in what proceedings, and which grounds have not been previously presented and the reason why such grounds have not been previously presented;

12. Whether petitioner has filed in any court, state or federal, petitions, applications, or motions with respect to this conviction; if so, the name and location of each such court, the specific nature of the proceedings therein, the grounds alleged in support of each proceeding, the result thereof, the date of such result, and (if known) the citations of any written opinions.

13. Whether petitioner was represented by a lawyer at his arraignment and plea, his trial (if any), his sentencing, his appeal (if any), or preparation or presentation of any post-conviction proceedings which he has filed with respect to this conviction;

14. If petitioner seeks leave to proceed *in forma pauperis,* whether he has completed the affidavit attached to the form.

C. Where an applicotion is *in forma pauperis,* petitioner shall complete the affidavit attached to the form setting forth information which establishes that he is unable to pay the fees and costs of the habeas corpus proceeding or give security therefor.

D. Applicants shall mail an original and two copies of the completed application to the clerk of the District Court for the Eastern District of North Carolina at Raleigh, North Carolina. The clerk will assign the application to the proper judge pursuant to the rules of this court.

II. Civil Rules

[*Cite as follows*:
Civ. Rule ...., U. S. Dist. Ct., E.D.N.C.]

Rule 1. Form of Pleadings and Documents

All pleadings and papers submitted for filing or consideration must designate the division in which the action is pending, or to which it is to be removed from a state court, and they must also fully conform to the provisions of Rules 10 and 11, Federal Rules of Civil Procedure. If feasible, each paper presented to the clerk for filing shall be flat and unfolded, without manuscript cover, and firmly bound. All papers so presented for filing shall consist of the original and one copy, in addition to copies for service.

Rule 2. Filing Fee and Security for Costs

A. Initiating Civil Actions. In every civil action commenced in this court, there shall be filed with the complaint:

1. $15.00 filing fee;

2. $200.00 bond, approved by the clerk, or cash deposit of $200.00 in lieu of such bond, as security for costs.

B. Removal of Actions From State Courts. In every action removed:

1. $15.00 filing fee;

2. $200.00 removal bond, approved by the clerk, or a cash deposit of $200.00 in lieu of such bond, as security for costs as required by 28 U.S.C. §1446(d).

Rule 3. Filing of Papers and Service

A. Filing of Papers or Pleadings. The original and a copy of all pleadings, motions, notices of hearing, and other papers shall be filed with the clerk in the division where the action is instituted, when such clerk is available, otherwise with the clerk in Raleigh unless otherwise specified by general order of the court, and shall be filed either before service on opposing party, or counsel, or immediately thereafter. In all instances in which papers are filed with the judge as provided in Rule 5(e), Federal Rules of Civil Procedure, the original and a copy shall likewise be filed with the judge for retention in the clerk's office in the division in which the action is pending.

B. Service of Papers. Except as set forth below in this rule, it is the responsibility of counsel filing papers to serve one copy on each opposing party or his counsel.

1. *Service in Patent Cases.* In cases involving patent or trade-mark questions, two copies shall be served on each opposing party or his counsel.

2. *Service When the United States is a Party.* In cases in which the United States is a party, in addition to the copies of the summons and complaint required by Rules 4(d) (4) and 4(d) (5), Federal Rules of Civil Procedure, three (3) copies of each pleading or other paper shall be served on the United States Attorney.

C. Proof of Service. Proof of service may be made by written acknowledgment of service by the party served, or by a certificate of counsel for the party filing the pleading or paper, or by affidavit of the person making service, but these methods of proof shall not be exclusive.

D. Ex Parte Orders and Orders to Show Cause. Whenever the court has made an *ex parte* order, the party obtaining it shall serve a copy thereof, and the papers upon which it was based, within three days thereafter upon each adverse party who is affected thereby; however, orders to show cause shall be served within the time limited by the order.

Rule 4. Notification

A. Intervention by United States; Constitutional Question. If at any time prior to the trial of an action to which neither the United States nor any of its officers, agencies, or employees is a party, any party draws in question the constitutionality of an act of Congress affecting the public interest, that party, to enable the court to comply with 28 U.S.C. Sec. 2403, shall notify the court in writing, stating the title of the action, the statute in question, and the respects in which it is claimed the statute is unconstitutional.

B. Three-Judge District Court. Where any action is required by act of Congress to be heard and determined by a district court of three judges, the party instituting such action shall immediately notify the clerk of this requirement in writing, separate and apart from the pleadings.

Rule 5. Minors and Incompetents as Parties

A. Appearance and Appointment of Next Friend. In actions where any of the parties plaintiff are minors or persons *non compos mentis* they shall appear by their qualified general or testamentary guardian, but if such action is against such guardian, or if there is no such guardian, then said parties shall appear by their next friend, who may be appointed as provided for in Rule 17(c), Federal Rules of Civil Procedure.

B. Appearance and Appointment of Guardian Ad Litem. In actions where any of the defendants are minors or persons *non compos mentis* they shall appear by their qualified general or testamentary guardian, or if there is no such guardian, then they shall appear by a guardian *ad litem* who may be appointed as provided for in Rule 17(c), Federal Rules of Civil Procedure.

C. Appointment by State Courts in Removed Actions Recognized. Next friends or guardians *ad litem* appointed by North Carolina state courts in actions subsequently removed to this court may appear for such parties unless otherwise ordered by this court.

D. Settlement or Dismissal of Actions. No action to which a minor or an incompetent person is a party shall be compromised, settled, discontinued, or dismissed without approval by the court.

E. Contents of Judgment Approving Settlement. Judgments approving compromise settlements of claims of minors or incompetents shall be presented to the court upon oral or written motion, and shall be consented to by counsel for all parties to the action, by the next friend or guardian of the plaintiff, and in cases involving a minor, by at least one of the parents of such minor or by the persons standing *in loco parentis,* unless otherwise ordered by the court, and in cases where the minor is over eighteen years of age, by such minor also. In presenting such judgments to the court for approval, counsel shall show, to the satisfaction of the court, as the nature of the action may require, at least the following:

1. That all parties are represented by counsel, that the plaintiff appears as required by this rule, and that the court has jurisdiction over the parties and the subject matter.
2. The basic contentions of the respective parties with respect to liability.
3. A recent written statement of the plaintiff's attending physician, if any, setting forth the nature and extent of the injuries, extent of recovery and prognosis.
4. The amount of medical, hospital, and related expenses incurred, or estimated to be incurred.
5. The services rendered by counsel for the plaintiff.
6. The opinion of plaintiff's counsel as to the fairness and reasonableness of the proposed compromise settlement.

F. Payment of Judgments. Judgments entered under this rule shall be paid as provided by the court.

G. Counsel Fees Subject to Approval of Court. In all actions falling within the purview of this rule, the court shall approve or fix the amount of the fee to be paid to counsel for the plaintiff, and may make appropriate provision for the payment thereof, and for the payment of expenses incurred, including, but not limited to, medical, hospital, and related expenses.

Rule 6. Joining Issues, Extension of Time to Plead

As a means of avoiding congestion of the civil docket in all divisions of the court, issues must be joined in all cases as soon as practicable. Motions to extend the time to answer or otherwise plead for more than 50 days will be denied, except in unusual circumstances.

Rule 7. Pre-Trial

A. Requirement. There shall be a pre-trial conference in every civil case, unless counsel for the parties stipulate in writing to the contrary and the court approves the stipulation.

B. Notice. The clerk shall give at least 20 days notice of the pre-trial conference.

C. Participants. At least one attorney for each of the parties who is a member of the bar of this court shall appear and conduct the pre-trial conference. However, bar membership shall not be required of attorneys representing governmental agencies and parties appearing *pro se.*

D. Use of Discovery Procedures. Attorneys are encouraged to make full use of all discovery procedures provided for in Rules 26 through 37, Federal Rules of Civil Procedure, instead of seeking information or admissions at the conference of attorneys or at the pre-trial conference.

E. Completion of Discovery. In all civil cases, except in patent, anti-trust, and trade-mark cases, all discovery from adverse parties shall be completed within four months after the case is at issue. In patent, anti-trust, and trade-mark cases, discovery shall be completed within eight months after the case is at issue. For good cause shown, the physical or mental examination of a party, as provided for in Rule 35, Federal Rules of Civil Procedure, may be ordered at any time prior to trial.

F. Extension of Time for Discovery. For good cause shown, and prior to the expiration of the time within which discovery is required to be completed, either under this rule or by order of the court, time may be extended by the court for completion of discovery. Stipulations extending the discovery period must be approved by the court.

G. Conference of Attorneys. At least 10 days prior to the pre-trial conference, attorneys for each of the parties shall meet and confer for the following purposes:

1. *Exhibits.* Except as otherwise herein provided, each attorney shall mark for identification and furnish opposing counsel with a copy of all exhibits which he expects to introduce at the trial. Numbers or marks placed on such exhibits shall be prefixed with the symbol "P/T" denoting its pre-trial designation. When the exhibit is introduced at the trial of the case, the "P/T" designation will be stricken and the exhibit will be identified as a trial exhibit. All pre-trial exhibits must also indicate the party identifying same.

Exhibits of the character which prohibit or make impractical their reproduction shall be identified and notice given of their intended use. Additionally, necessary arrangements must be made to afford opposing counsel an opportunity to examine such exhibits.

2. *Exhibit Stipulations.* Written stipulations shall be prepared with reference to all exhibits exchanged or identified. The stipulations shall contain all agreements of the parties with reference to the exchanged and identified exhibits and shall include, but not be limited to, the agreement of the parties with reference to the authenticity of the exhibits, their admissibility in evidence, and the provisions made for the inspection of identified exhibits. The original and a copy of the exhibit stipulations shall be presented to the court at the pre-trial conference.

3. *Fact Stipulations.* The attorneys shall stipulate in writing with reference to all facts and issues not in genuine dispute. The original and a copy of the stipulations shall be presented to the court at the pre-trial conference.

4. *Exchange of Information.* Attorneys for each of the parties shall furnish opposing counsel with a brief statement in writing of what counsel proposes to establish by the testimony of witnesses.

5. *Discuss Settlement.* The possibility of compromise settlement shall be fully discussed and explored.

H. Preparation for Conference of Attorneys. Each attorney shall completely familiarize himself with all aspects of the case in advance of the conference of attorneys, and be prepared to enter into stipulations with reference to as many facts and issues and exhibits as possible.

I. Duty of Plaintiff's Counsel to Arrange Conference. It shall be the duty of counsel for the plaintiff to arrange for the conference of attorneys. In the absence of an agreement to the contrary, the conference shall be held in the office of the attorney nearest the court in the division in which the action is pending.

J. Refusal to Stipulate. If, following the conference of attorneys, either party feels there are other facts or exhibits that should be stipulated, and which opposing counsel refuses to stipulate upon, he shall compile a list of such facts or exhibits and furnish same to opposing counsel at least two days in advance of the pre-trial conference. The original and a copy of the list shall be presented to the court at the time of the pre-trial conference.

K. Information or Exhibits Discovered Subsequent to Conference of Attorneys and Before a Pre-Trial Conference. If, after the conference of the attorneys and before the pre-trial conference, counsel discovers additional exhibits or additional information, the same information required to be disclosed at the conference of the attorneys shall be immediately furnished opposing counsel. The original and a copy of any such disclosures shall be presented to the court at the time of the pre-trial conference.

L. Conduct of the Pre-Trial Conference. At the pre-trial conference, the court, after being fully informed by counsel for each of the parties concerning all facts and issues involved in the case, shall:

1. Urge agreement with respect to any additional facts and exhibits not in genuine dispute, and make findings with respect thereto.

2. Consider and rule upon all motions, including but not limited to, motions to continue, amend, consolidate, or sever.

3. Enter a pre-trial memorandum incorporating (a) any additional stipulations with respect to facts and exhibits, (b) a ruling upon all pending motions, including motions made at the pre-trial conference, (c) the written stipulations as to facts, exhibits, and information as to proposed proof required to be presented to the court before or at the time of the pre-trial conference, (d) the points with respect to which the court desires trial briefs, (e) in appropriate cases, requirements with respect to requests for jury instructions, (f) if practicable, a determination of the issues of fact and questions of law that will govern the trial of the case, and (g) other appropriate matters.

4. Make inquiry concerning the possibility of compromise settlement. The discussion concerning compromise settlement shall not be incorporated in the pre-trial memorandum, and such discussion shall be entirely without prejudice and may not be referred to during the trial of the case or in any arguments or motions. The primary objective of pre-trial procedure shall be to facilitate trial and a just judgment; compromise settlement shall be regarded as a by-product of such procedure rather than the end sought.

5. At the conclusion of the pre-trial conference, if it is possible to do so, the court will fix a definite date for trial.

M. More Than One Pre-Trial Conference. If necessary or advisable, the court may adjourn the pre-trial conference from time to time, or may order an additional pre-trial conterence.

N. Information or Exhibits Discovered Subsequent to Pre-Trial Conference. If, following the pre-trial conference, or during trial, counsel discovers additional exhibits or points of proposed proof, the same information required to be disclosed at the conference between attorneys shall be immediately furnished opposing counsel. The original and a copy of any such disclosure shall immediately be filed with the court, and shall indicate the date same was furnished opposing counsel.

O. Continuance of Pre-Trial Conference. A pre-trial conference shall be continued only for cause.

P. Sanctions for Failure to Comply With This Rule. If there is a failure to comply with the provisions of this rule, the court may, in its discretion, impose such penalties and invoke such sanctions as the circumstances may warrant, in accordance with the Federal Rules of Civil Procedure, including the dismissal of the action or the exclusion of evidence. If one of the parties attempts to comply with the provisions of this rule, and he fails to secure the cooperation of opposing counsel, the party attempting to comply shall file with the court, not later than two days in advance of the pre-trial conference, an affidavit disclosing, with particularity, all the circumstances relating to the refusal of opposing counsel to cooperate and comply with the provisions of this rule. A copy of the affidavit shall be served upon opposing counsel before it is filed with the court, and the affidavit shall disclose the date and method of service. If opposing counsel desires to controvert any of the factual statements contained in the affidavit, he shall immediately serve an affidavit in response and be prepared to file the original thereof with the court at the time of the pre-trial conference. After considering the affidavits and remarks of counsel, the court may impose such penalties and invoke such sanctions as the circumstances might warrant.

Q. Sanctions for Failure to Reveal Exhibits and Points of Proof. A willful failure to reveal exhibits and points of proposed proof as required by this rule may render such exhibits and proof inadmissible at the trial.

R. Expert Witnesses. At the conference of attorneys, counsel for each of the parties shall furnish opposing counsel in writing the names, addresses, and fields of experience of all of their expert witnesses, together with the substance of the evidence expected from each of them. At the pre-trial conference with the judge, he may limit the number of such witnesses for each party and allow any adverse party to call an equal number of expert witnesses, making an appropriate order to insure that all parties are furnished with similar information as to such witnesses a reasonable time before trial. Upon failure to comply with this rule, without good cause shown, the defaulting party shall not be permitted to call an expert witness.

Rule 8. Substance of Depositions To Be Stated

In the trial of all causes before the court without a jury, any deposition, or part of deposition, offered in evidence as provided by Rule 26 of the Federal Rules of Civil Procedure, need not be read, but counsel may state to the court the substance and effect of such depositions, or part thereof relied upon, either orally or from a condensed abstract prepared beforehand.

Rule 9. Issues Submitted to Jury

In all civil cases tried by a jury, the parties shall hand to the court in writing at or before the conclusion of the evidence their requests for issues to be submitted to the jury, if the same have not previously been fixed at the pre-trial conference.

Rule 10. Taking Verdict

In all civil jury cases the court will not deem it necessary to call either party or counsel, nor shall it be necessary that either party be present or represented when the jury returns into court their verdict; and in all cases, unless the contrary affirmatively appears of record, it will be presumed that the parties were present or by their voluntary absence, waived their presence.

Rule 11. Taxing Costs

A. Bond Premiums, Taxable as Costs. If costs are awarded by the court, the reasonable premiums or expense paid on all bonds or stipulations or other security given by the prevailing party shall be taxed as part of the costs.

B. Witness Fees, Subsistence, and Mileage. Executive officers and directors of corporate parties shall not be entitled to witness fees, subsistence, or mileage. In addition to the fees and subsistence authorized by statute for other witnesses, they shall be allowed their actual mileage at the statutory rate to and from their place of residence whether they reside within or without the district.

C. Preparation and Filing of Bill of Costs. The prevailing party shall prepare as soon as possible after entry of the final judgment allowing costs to it a Bill of Costs on the form supplied by the clerk. This Bill of Costs shall contain an itemized schedule of the costs and an affidavit made by said party or his attorney or agent having knowledge of the facts that the schedule is correct and that the charges have been necessarily incurred and that the services for which fees have been charged were actually and necessarily performed. The original of this Bill of Costs shall thereupon be filed with the clerk and a copy served on counsel for the adverse party.

D. Objections to Bill of Costs and Hearing. The adverse party may make specific objections to any item of costs requested by the prevailing party. The clerk shall set the matter for hearing and thereafter tax the costs.

E. Review of Clerk's Ruling. If either party is dissatisfied with the ruling of the clerk on the Bill of Costs, such action may be reviewed by the court upon motion duly made in writing within five days of the action of the clerk.

Rule 12. Removed Actions

In a civil action removed from the state courts, a party who desires and is entitled to trial by jury under Rule 38, Federal Rules of Civil Procedure, shall be accorded it, if his express demand therefor in writing is served within 10 days after the petition for removal is filed if he is the petitioner, or if he is not the petitioner within 10 days after service on him of the notice of filing the petition. The failure of a party to make demand as required by this rule and to file it promptly with the clerk constitutes a waiver by him of trial by jury.

III. Criminal Rules

[*Cite as follows*:
Cr. Rule ...., U. S. Dist. Ct., E.D.N.C.]

Rule 1. Pre-Trial Conference

In protracted criminal cases involving unusual and complicated issues, the court may hold a preliminary conference for the purpose of discussing the possibility of stipulating undisputed facts; however, no pre-trial conference shall be ordered without the consent of the defendant and his attorney freely given, with the provision that the defendant and his attorney must be present during the entire pre-trial conference.

Rule 2. Continuances and Attendance

A. Motion for Continuance. In the event the United States Attorney or the defendant's attorney deems it necessary to make a motion for continuance in any particular case, notice of motion for continuance must be given to the opposing counsel, if known, at least five days prior to the date of the convening of court, unless the cause for continuance happens during said five day period. Unless such notice of motion for continuance is given, as herein provided, a continuance will not be allowed except under extraordinary circumstances.

B. Attendance of Defendants and Attorneys. All defendants and their attorneys shall be in court at the opening of court on the date the defendant is to appear according to his undertaking or notice to appear, unless other arrangements have been made with the United States Attorney.

Rule 3. Motions

Unless a different procedure is permitted by the Federal Rules of Criminal Procedure, motions in criminal cases, and particularly motions made under Rules 7(f), 12, 16, 21, and 41(e), Federal Rules of Criminal Procedure, shall be in writing and state the grounds upon which made and the relief or order sought. Such motions shall be filed with the clerk and a copy served upon the United States Attorney, at least five days prior to the date of arraignment, and must either set forth the grounds and authority for the motion or be accompanied by a brief substantiating the position of the movant. The court may, however, in exceptional circumstances and for good causes shown, allow such motions to be made at a time later than that fixed by this rule.

Rule 4. Pleas in Mitigation of Punishment and Motions for Reduction or Correction of Sentences

A. Pleas in Open Court. Except in unusual circumstances, pleas in mitigation of punishment and motions for reduction of sentence shall be made only in open court during session time.

B. Motions Under Rule 35, F.R.Cr.P. Motions for reduction or correction of sentences under Rule 35, Federal Rules of Criminal Procedure, shall be filed in writing with the clerk or judge of the United States District Court or made orally in open court.

IV. Rules in Bankruptcy

[*Cite as follows:*
Bankr. Rule ...., U. S. Dist. Ct., E.D.N.C.]

Rule 1. Efficiency in Administration

These rules shall at all times be interpreted and enforced in such manner as will avoid technical delay, permit prompt and speedy consideration and determination of all pending matters, and promote efficient administration in all proceedings under the Bankruptcy Act in this court.

Rule 2. Filing Fees

A. Original Petition. At the time of filing the petition initiating a proceeding under the Bankruptcy Act, the filing fees, except as provided in Rule 3 D below, shall be deposited with the clerk of court as follows:

1. For ordinary bankruptcy of an individual or a corporation, $50.00. In partnership cases, $50.00 for each partner and $50.00 for the partnership.
2. For an arrangement under Chapter XI, $50.00.
3. For a real property arrangement under Chapter XII, $50.00
4. For corporate reorganization under Chapter X, $120.00 if no bankruptcy proceeding is pending, otherwise $70.00.
5. Railroad reorganization under Chapter VIII, $150.00.
6. For composition of a local taxing agency under Chapter IX, $100.00.
7. For wage earner plan under Chapter XIII, $15.00.

B. Reopened Cases. To reopen any closed bankruptcy proceeding there should be a deposit with the clerk of court of the sum of $50.00.

C. Ancillary Proceedings. For ancillary proceedings there should be deposited with the clerk of court the sum of $50.00 ($10.00 to be refunded if no ancillary trustee is appointed).

D Petitions in Pending Cases. The filing fees for petitions in pending cases are as follows:

1. Petition to reclaim property from a bankrupt estate, $10.00.
2. Petition to review an order of the referee, $10.00.
3. Objections to the discharge, $10.00.

Comment: Petitions filed with the referee shall be accompanied by filing fees with checks made payable to the clerk of court.

E. Changes. This rule shall be deemed to be automatically amended to conform to any changes made in the above filing fees by act of Congress or by the Judicial Conference.

Rule 3. Filing Original Petitions and Schedules and Statement of Affairs

A. Number of Copies and Place to File. In bankruptcy petitions under Chapters I through VII of the Bankruptcy Act (ordinary bankruptcy), the schedule of assets and liabilities and the statement of affairs shall be filed in triplicate originals with each of the three originals duly executed by the bankrupt and filed with the clerk of the court. In involuntary bankruptcy proceedings, the bankrupt should file with the referee within five days after adjudication the schedule of assets and liabilities and statement of affairs as required by Section 7 of the Bankruptcy Act.

Comment: Among the official forms adopted by the United States Supreme Court which have become a part of the Bankruptcy Act as found in the United States Code, are Form No. 1 which constitutes the petition and schedule of assets and liabilities, and Form No. 2 which constitutes the statement of affairs. Official Form No. 5 constitutes the petition for an involuntary proceeding. These forms, except the involuntary forms, are commercially printed and distributed rather widely and may be obtained from local legal supply houses.

B. Full Name and Trade Names. The bankrupt's full name shall be set out in the petition. In voluntary bankruptcy proceedings, all assumed, fictitious or trade names and any other names or designations by or under which the bankrupt has been known or has conducted any business within six years next preceding the filing of the petition in bankruptcy shall be set forth in the petition. In involuntary proceedings, such facts shall be set forth in the petition to the best knowledge, information, and belief of the petitioning creditors. In all cases, such facts shall be set forth in the notices to the creditors of the first meeting of creditors.

C. Listing Creditors. The list of creditors in the schedule of assets and liabilities should be accurate and complete. The street number, city, and state should be listed after each creditor with sufficient accuracy to assure mail delivery.

Comment: An inadequate or incomplete mailing address may result in the bankrupt not being discharged of that indebtedness on the ground of insufficient notice to the creditor.

D. Inability to Pay Filing Fee. A petition in a voluntary proceeding under Chapters I through VII or Chapter XIII of the Bankruptcy Act may be accepted for filing by the clerk of court if accompanied by a verified petition by the bankrupt stating that the petitioner is without and cannot obtain the money with which to pay the filing fee in full at the time of filing, accompanied by an affidavit of the petitioner's attorney that the attorney has not and will not accept any compensation for his services as such attorney until such filing fee is paid in full. The bankrupt's petition shall state the facts showing necessity for payment of the filing fees in installments and shall set forth the terms upon which the bankrupt proposes to pay such fees. No discharge shall be granted until the filing fee is paid in full.

Comment: The limitations and provisions in respect to the installments as well as the fact that the proceeding may be dismissed on failure to pay the costs is contained in General Order No. 35.

E. Partnerships. Where a petition in bankruptcy involves a partnership, the petition should clearly indicate whether the individual partners are included as bankrupts with the partnership and whether the partners are to be adjudged bankrupts individually along with the partnership. There shall be separate adjudications for each individual and for the partnership. Whether the partners are adjudicated individually or not, the schedule of assets and liabilities should contain a separate list of the assets and liabilities of each partner.

Comment: The discharge of a partnership shall not discharge the individual partners thereof from the partnership debts. Therefore, it is most important to the partners that the petition and the adjudication include the partners. As to the treatment of the partnership and the partners in bankruptcy, see Section 5 of the Bankruptcy Act.

F. Personal Property Exemptions. The $500.00 personal property exemption of the bankrupt as recognized under the laws of the State of North Carolina should be claimed by the bankrupt in the schedule of assets and liabilities. If the bankrupt does not claim the exempt property, the failure to do so will be considered a waiver of his rights to the said exemption. It will be sufficient to protect such rights to claim the $500.00 exemption without identifying any particular property to be included in the allotment.

G. Estates by the Entirety. When one spouse is adjudicated a bankrupt, real estate held by the entirety is not an asset of the bankrupt estate. However, the schedule of assets and liabilities as filed by the bankrupt should indicate what property is held by the entirety, giving the approximate date of purchase, the present value, and the location of the property. The value of said property should not be listed in the total value of the bankrupt estate.

H. Life Insurance Exemption. The cash surrender value of life insurance of the bankrupt is exempt if the bankrupt's wife or children are designated beneficiaries. However, the name of the insurance company, policy number, date of issuance and name of beneficiary as well as the face amount of the policy, should be listed in the schedule of assets and liabilities by the bankrupt. The value of the policy should not be included with the total assets of the estate. The trustee, in alloting the exemptions of the bankrupt, should allot such life insurance by name of company, number of policy, etc., as indicated in the schedule of assets and liabilities.

Rule 4. Appearance of Attorneys

A. Qualified Attorneys. Appearance of attorneys shall be limited to attorneys admitted to practice in the United States District Court for the Eastern District, the Middle District or the Western District of North Carolina. Before any such attorney makes an appearance, he shall upon request furnish satisfactory proof showing that he has been so admitted to practice and is in good standing; provided, however, that any out-of-state attorney may be permitted to appear if he shall have associated with him an attorney duly qualified as above set forth. No proof of claim shall be filed by an attorney not qualified as above set forth. No proof of claim shall be filed by any individual, collecting agency, corporation, or association which is not a creditor. However, any individual, firm, or corporation which is a creditor may file a proof of claim in its own behalf without the use of an attorney.

B. Disposition of Claims Filed by Disqualified Persons. Any claim received by the referee from an attorney, person, or corporation disqualified to file claims as above-indicated shall be filed and entered by the referee, provided the claim indicates the mailing address of the creditor. If no complete mailing address of the creditor appears on the claim, then the claim with a copy of this rule shall be returned to the disqualified party attempting to file the claim. If the claim is filed, a copy of this rule shall be forwarded by the referee to the sender of the claim to serve as notice that he is not qualified to file such a claim and will not be recognized as an attorney in this court.

Rule 5. Employment of Attorneys

A receiver or trustee shall not employ an attorney except as provided by General Order 44.

Rule 6. Compensation of Attorneys

A. Petition for Fee. An attorney for a receiver, trustee, petitioning creditor, bankrupt, or debtor shall be allowed compensation only for services necessarily and actually rendered and expenses necessarily and actually incurred and paid. An attorney entitled to compensation for services shall file with the referee his petition under oath setting forth the value and extent of the services rendered in detail, indicating the amount requested and what amount, if any, has heretofore been paid to him.

B. Division of Fees. The petition by an attorney for attorney's fees shall be accompanied by his affidavit stating whether an agreement or understanding existed between the attorney and any other person for a division of the compensation and, if so, the nature and the particulars thereof. The affidavit shall state that no division of fees will be made except as indicated therein.

Comment: If the division is with the attorney's law partner, such should be indicated. However, the manner or percentage of division is not required to be disclosed. The restrictions on divisions of fees are contained in Section 62 c of the Bankruptcy Act. For a suggested form for the affidavit, see Form No. 2 in the Appendix to these rules.

C. Fixing Fees. In fixing compensation of an attorney, the following factors shall be taken into consideration:

1. Amount of work done.
2. Length of time employed.
3. Difficulties or intricacies of the bankruptcy proceeding.
4. Results accomplished.
5. Amount involved in connection with services rendered.
6. Size of the estate.
7. The skill required and experience of counsel in similar cases.
8. Contingency or uncertainty of compensation.

D. North Carolina Bar Association Rates. When computing compensation on the basis of time and depending on importance of the case, the referee may consider the recommended minimum fee schedule of the North Carolina Bar Association.

Rule 7. Petitions, Orders, and Pleadings After Reference

A. Filed With Referee. After a proceeding has been referred to the referee all petitions, pleadings, and applications for orders within the referee's jurisdiction shall be made to the referee and filed with the referee.

B. Verification. All petitions, reports, and applications containing any allegation of fact must be verified.

Comment: The official caption and verification in bankruptcy proceedings is set forth in Form No. 1, Appendix to these rules.

C. Service on Trustee. Any person filing a petition to reclaim property or for the release of any rights to property, shall serve a copy of such petition on the trustee or his attorney by mailing the same to him and attaching a statement of such service to the petition as filed with the referee.

D. Manuscript Covers. Petitions, applications, and orders filed with the referee should not have manuscript covers unless such covers are necessary to protect exhibits attached.

Rule 8. Petition for Discharge of Bankrupt

A. Individual or Partnership. The adjudication of an individual or a partnership operates as an application for a discharge and no further petition is necessary.

B. Corporation. If a discharge of a corporation is desired, a petition for such discharge must be filed within six months after the adjudication.

Rule 9. Objections to Discharge

The objection to the discharge may contain one or more specifications of the grounds of opposition to such discharge. Each specification should be numbered and reference made to the applicable sub-paragraph of Section 14c of the Bankruptcy Act Each specification should allege the essential facts and all the elements constituting the bar to discharge and not merely allege generalities or conclusions. A specification alleged in the words of the statute alone is not sufficient except where the specification is under Section 14c (2) of the Bankruptcy Act for failing to keep accounts and records from which the bankrupt's financial condition and business transactions might be ascertained.

Comment: For the $10.00 filing fee for objections to discharge, see Rule 2 D of these rules. Official Form No. 44, Specification of Objections to Discharge, is set forth as Form No. 3 in the Appendix to these rules.

Rule 10. Federal Rules of Civil Procedure

A. Applicability of the Federal Rules of Civil Procedure. The Federal Rules of Civil Procedure shall, insofar as they are not inconsistent with the Bankruptcy Act and the General Orders, be followed as nearly as may be, pursuant to General Order in Bankruptcy No. 37.

B. Pre-Trial Conferences. The pre-trial conference procedure under Rule 16, Federal Rules of Civil Procedure, and the rules of this court, shall be used by the referee to its fullest advantage. Request for a pre-trial conference may be made by written motion by any party to any matter being litigated before the referee in bankruptcy.

Comment: The purpose and scope of the pre-trial conference before the referee in involved and complicated matters will be similar and as binding on the parties as a pre-trial conference under the rules of this court.

Rule 11. Filing Claims

A. Form. Proof of claim should be presented on a regular proof of claim form as prescribed by the Bankruptcy Act, being Official Forms Nos. 28, 29, 30, and 31. The proof of claim should have attached to it an itemized statement of the account. If the claim is based on a note or written contract, the original of said instrument shall be attached. A true copy or photostatic copy may be substituted for the original by order of the referee. All credits should be shown by date, character and amount within the last six months.

Comment: Commercial printers usually combine the four forms into one printed form which is used in filing claims and most frequently referred to as "Proof of Claim Form in Bankruptcy". These forms can be obtained from almost any legal supply company.

B. Where Filed. All claims should be filed with the referee. Any proof of claim received by the clerk or by the trustee shall immediately be forwarded to the referee, where all claims shall be filed, as provided by General Order in Bankruptcy No. 24.

C. Time for Filing. Claims must be filed within six months after the first date set for the first meeting of creditors.

Comment: See Section 57 of the Bankruptcy Act in regard to filing claims. A claim must be filed in bankruptcy in order to participate in any dividend. A prior filing in a state receivership or other solvency proceeding does not constitute a filing in the bankruptcy court.

Rule 12. Solicitation of Proxies and Voting

A. Attorney at Law. An attorney desiring to vote more than one claim under power of attorney or proxy at any meeting of creditors may be required by the referee in his discretion to furnish information prior to such voting to include:

1. The names and amounts of the claims he desires to vote.

2. Whether any of the creditors' claims he desires to vote are his regular clients and, if so, their names and the approximate length of time they have been such regular clients.

3. The name of the person from whom he received the claims of creditors who are not his regular clients and the nature of his connection with such person or association or company.

4. Whether the claims of creditors other than his regular clients have been solicited and, if so, by whom.

5. Whether the said claims will be voted in an interest other than that of general creditors.

B. Inquiry by Referee as to Solicitation of Proxies. The referee at his own instance or at the request of any party in interest in the proceeding may make or permit inquiry to be made as to the solicitation of claims voted or to be voted. If upon such inquiry it appears that any claims, powers of attorney, or proxies have been solicited with the intent or purpose of voting them at any meeting or hearing in the interest of the bankrupt or in the interest other than that of general creditors, the referee shall not allow the voting of such claims under such powers of attorney or proxies. If, in the opinion of the referee, the election of the trustee or the determination of any other matter to be submitted is likely to be unfairly affected by such disallowance, the referee may adjourn the meeting and notify the creditors who executed such powers of attorney or proxies of the adjourned date of the meeting to afford them an opportunity to attend and vote or to execute new powers of attorney or proxies.

Rule 13. Appeals from Referee

A. Petition for Review. Any person aggrieved by an order of the referee may, within 10 days after the entry of such order, or within such time as extended by the referee for good cause shown, file with the referee a petition for review of such order by the court, as provided by Section 39c of the Bankruptcy Act.

B. Service of Petition and Brief. A copy of the petition, together with a copy of the brief as hereinafter mentioned, shall be served upon the adverse parties who were represented at the hearing by mailing copies of the same to the said parties or their attorneys of record, such service being indicated by a statement filed with the petition for review. The petition for review shall set forth the order complained of and the alleged errors in respect to such order.

Comment: An unofficial form for petitions for review may be found in *Collier on Bankruptcy* and *Remington on Bankruptcy.* See Unofficial Form No. 1000 at page 3861, Vol. 5, *Collier on Bankruptcy,* and Unofficial Form No. 3500 at page 810 in the volume on Forms, *Remington on Bankruptcy.* There are valuable comments and suggestions under each of the forms cited. There is a $10.00 filing fee for each petition for review as re-
attorneys of record. Within 10 days after the referee files with the clerk his cer-
ferred to in Rule 2 D above.

C. Briefs. Every petition for review should be accompanied by a brief in support of the alleged errors and the person filing said brief shall serve a copy thereof on the adverse parties who were represented at the hearing or their
tificate for review, the opposing party shall file with the clerk and serve upon the petitioner his answering brief.

D. Hearing on Petitions for Review. The referee shall furnish the clerk of court the name and address of each attorney for the interested parties having appeared in the hearing before him simultaneously with the transferral of the certificate of the referee to the court on the petition for review. Each attorney for the interested parties shall be notified by the referee of the forwarding of the certificate of review to the clerk's office. The clerk, upon receipt of the certificate and the names of the attorneys for the interested parties, shall immediately make arrangements for, or cause to be set, a hearing on the said petition for review and notify each interested party through his attorney of the date and hour of said hearing. No further notice shall be required of the hearing on the petition for review.

Rule 14. Depositories

A. Place of Deposit. Receivers and trustees shall deposit all bankruptcy funds in the banks within the district as shall be designated as such depositories, and as directed from time to time; and all funds shall be disbursed by check and counter-signed by the referee.

B Monthly Report by Bank. Each depository having funds on deposit in bankruptcy cases will report to the referee and to the clerk of court not later than the tenth day of each month the name and the amount on deposit in each such case in the respective bank as of the last day of the preceding month. The acceptance of the account by the depository is an implied agreement to abide by and be subject to these rules in regard to deposits.

Appendix of Bankruptcy Forms

FORM 1.

Official Caption and Verification

(See Bankr. Rule 7 B)

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NORTH CAROLINA
.... DIVISION

In the Matter of
.... } In Bankruptcy No. ....
Bankrupt. PETITION

To the Honorable ...., Referee in Bankruptcy:

(CONTENTS OF PETITION)

....
Petitioner

....
Attorney for Petitioner
State of ....
County of ....

I, ..., the petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information and belief.

....
Petitioner

Sworn to and subscribed before me
this ...... day of ...., 19...
....
Notary Public (or other official)

My commission expires:

FORM 2.

Division of Attorney's Fee, Affidavit

(See Bankr. Rule 6 B)

(Caption as in Form 1.)

............................, being duly sworn, deposes and says: That he is a petitioner in the above bankruptcy proceeding for compensation as attorney for ....; that no agreement has been made directly or indirectly by him, and no understanding exists between him and any other person for a division of compensation except as follows: ....; and that no division of fees prohibited in Section 62c of the Bankruptcy Act will be made by the applicant.

....
Applicant

(Verification as in Form 1.)

FORM 3.

Specification of Objections to Discharge

(See Bankr. Rule 9)
(Caption as in Form 1.)

........................, of ...., in the County of ...., State of ...., the trustee of the estate (or a creditor) of the above named bankrupt (or the United States Attorney for said district or the attorney designated by the Attorney General of the United States), having examined into the acts and conduct of said bankrupt and being satisfied that probable grounds exist for the denial of the discharge of said bankrupt and that the public interest so warrants, does hereby oppose the granting to said bankrupt of a discharge from his debts, and specifies the following as grounds of objections: (Here specify in separately numbered paragraphs the grounds of objections).

....
Trustee (or creditor, etc.)

(Verification as in Form 1.)

V. Naturalization

[*Cite as follows:*
Natn. Rule ...., U. S. Dist. Ct., E.D.N.C.]

Rule 1. Procedure

In accordance with Title 8 U. S. C. §§1445 (c), 1447(a) and (e), and related statutes, the stated day for consideration of, and final action on, petitions for naturalization shall be Wednesday of the first week of any regular session of court at which naturalization hearings are set. Petitions for naturalization will not be considered on other days, except that, in the discretion of the court and for good cause shown, applications for the naturalization of members of the armed services, and seamen on merchant vessels registered under the laws of the United States, and members of the immediate families and dependents of said personnel, may be considered at other times when the court is in session. But in such exceptional cases, the applicant must have given reasonable prior notice to the Immigration and Naturalization Service as to the time when his or her application is requested to be submitted to the court for action. The court may also upon like notice to the Immigration and Naturalization Service, entertain and act on petitions for naturalization at other times than the stated days in the discretion of the court for good cause shown in exceptional cases, and not inconsistent with the statutes of the United States.

VI. Supplemental Rules for Certain Admiralty and Maritime Claims

[Cite as follows:
Supp. Rule ...., U. S. Dist. Ct., E.D.N.C.]

Rule 1. Process; Return of Same

All process shall be issued by the clerk with a notation or symbol identifying the claim as admiralty or maritime, and suit shall be commenced by filing the complaint or original pleading in the office of the clerk. Process *in personam* and *in rem* shall be returnable on or before the return day thereof at the clerk's office, and shall be served on or before the return day, unless otherwise ordered. The return upon process *in rem* shall state the date of seizure or of sale, as the case may be. Appearance or claim in suits *in rem* shall be filed within ten days of service, and when none is filed, a proper decree, interlocutory or final, may be entered. All process shall be returnable within fourteen days after issuance, but the return date may be extended by order of court.

Rule 2. Service of Process—How Made and When Completed

Service of all process shall be by the marshal, unless otherwise ordered by the court. In suits *in personam* process shall be served upon the respondent or party to be served by leaving with him, or with his duly constituted agent, or at his last known place of business or address in the district, a copy of the same, which shall state the time and place for filing claim, answer or other pleading, and the name of the attorney, and service shall thereupon be deemed completed. In suits *in personam* process may also be served upon the respondent or party to be served in accordance with the provisions of Rule 4, subsections (c), (d), (e), and (h) of the Federal Rules of Civil Procedure, Title 28 U.S.C. In suits *in rem* process shall be served by the arrest of the vessel or *res* to be served and by publication of Notice of Arrest. Service in suits *in rem* shall be deemed completed upon the completion of publication of the Notice of Arrest, to be proved by affidavit of the marshal or duly authorized agent of the newspaper wherein the notice appeared.

Rule 3. Publication

(a) *Notice of Arrest.* Unless otherwise ordered or provided by law, notice of arrest of property in suits *in rem* shall be published at least once within one week after the date on which the process is returnable, and shall contain the title of the cause, the nature of the cause of action, the amount demanded, the time and place for filing claim, answer or other pleading and names of the marshal and attorney, and shall state that all interested persons should appear, or otherwise default will be noted and condemnation ordered. Such publication shall be in a newspaper of general circulation published in the division of the district where the suit is pending.

(b) *Hearing After Publication.* When the *res* remains in custody of the marshal, the cause will not be heard until after publication of process shall have been made in that cause, or in some other pending cause in which the property is held in custody. No final decree shall be entered ordering the condemnation and sale of property, not perishable, arrested under process *in rem,* unless publication of process in that cause shall have been duly made.

(c) *Notice of Sale, Suits* in Rem; *Daily Publication.* Unless otherwise ordered or provided by law, notice of sale of property after condemnation in suits *in rem* shall be published daily for at least six days before sale.

(d) *Sale of* Res *by Interlocutory Decree.* No sale of the res shall be ordered by interlocutory decree before the sum chargeable thereon is fixed by the court, except by consent of the parties or by order of the court.

Rule 4. Duty of the Marshal Upon the Arrest or Attachment of Vessel or Other Property

It shall be the duty of the marshal upon the arrest or attachment of any vessel by process *in rem* or foreign attachment to notify the collector of customs of the port where the vessel or other property has been arrested or attached, if and only if such vessel or property is required to have clearance from the collector of customs before leaving port, and the marshal shall request the collector of customs to refuse clearance to any such vessel or property until the marshal or other proper person has notified the collector of customs that the vessel may proceed free of the arrest or attachment. In all other cases it shall be the duty of the marshal to take all reasonable precautions to secure the custody of the vessel or *res* arrested or attached, and any costs or expenses so incurred shall become a part of the costs of court in the suit.

Rule 5. Property in Possession of Collector

(a) *Notice to Collector Requiring Detention of Property.* In suits *in rem* when the *res* is in the custody of the collector of customs the marshal shall, in addition to the publication of the process provided for by Rule 3, deliver a copy of the process to the collector together with notice of the attachment of the property therein described and require the collector to detain such property in custody until the further order of the court.

(b) *Collector Not in District; Notice to Custodian of* Res. In case the collector is not found within the district, then a copy of such process and notice shall be delivered to the custodian of the property within the district.

(c) *Notice to Owners or Agent.* Notice of the attachment shall also be given to the owner or his agent if found within the district and, if the owner or his agent cannot be found within the district or if such owner or agent be unknown, then the publication of such notice shall be deemed sufficient, unless the court shall otherwise direct.

Rule 6. Security for Costs

(a) *Bond Required.* No complaint or petition shall be filed, except on the part of the United States, or on the special order of the court, or when otherwise provided by law, or by these rules, unless the party offering the same shall file a bond for costs, conditioned that the principal shall pay all costs awarded by the court, and, in case of appeal, by any appellate court, against him, it or them. In suits *in personam*, such bond shall be in the sum of $100.00; in suits *in rem*, or where process of attachment is to be issued, the bond shall be in the sum of $250.00. In lieu of a bond the party may deposit the necessary amount in the registry of the court.

(b) *Special Suitors, Bond Not Required.* Seamen or their personal representatives suing for wages in their own right and for their own benefit for services on board American vessels or for injury, death, and maintenance and cure under Section 688, Title 46, United States Code, or under the general maritime law; salvors coming into port in possession of the property claimed; petitioners for money in the registry of the court, shall not be required to give such security in the first instance. The court, however, may on motion order the usual bond to be given.

Rule 7. Verification of Pleadings and Interrogatories

Verification of claims to property, pleadings, when required, and answers to interrogatories shall be by the parties or one of them, and if a corporate party, by an officer thereof. If the individual party or all officers of the corporate party are not within the district, the verification may be made by an agent, attorney-in-fact or attorney, who shall state briefly the sources of his knowledge or information, declare that the document affirmed to is true to the best of his knowledge, information and belief, and state the reason why the verification is not made by the party.

Rule 8. Time to Plead or Except; Interrogatories

Unless the court directs otherwise:

(a) *Time for Answer After Issuance of Process.* When process *in personam* is issued the answer, exceptions or exceptive allegations to the complaint or petition shall be filed within twenty days after service.

(b) *Time for Answer Before Issuance of Process After Filing of Claim.* When process *in rem* has been issued, and a claim or notice of appearance has been filed within ten days of service completion, the answer, exceptions or exceptive allegations shall be filed within twenty days thereafter.

(c) *Time for Filing Exceptions to Answer.* Exceptions or exceptive allegations to the answer must be filed within twenty days after receipt of a copy of the answer.

(d) *Time for Amending Pleadings After Submission to Exceptions.* If a party submits to exceptions he shall amend his pleading with respect to the matters excepted to within twenty days after service of a copy of the exceptions.

(e) *Exceptions Overruled; Time for Answer.* If exceptions to a pleading or to an interrogatory be overruled, the party excepting may answer within twenty days after the service of a copy of the order on his attorney.

(f) *Time for Answer; United States as Respondent.* In all suits in which the United States shall be defendant in any action with respect to any admiralty or maritime claims, the answer shall be filed within sixty days after the completion of said service.

Rule 9. Joinder

(a) *Joinder at Commencement of Action.* Parties may sue and parties (including a vessel or other *res*) may be sued either jointly, severally or alternatively in one suit, and persons having separate causes of action may join in one suit if the causes of action involve substantially the same questions and arise out of the same transactions.

(b) *Intervention After Commencement of Action.* Persons who, under the preceding paragraph of this rule, might have joined as co-plaintiffs, and, in suits for wages, any other seamen claiming wages for the same voyage, not made parties in the original complaint, may, upon petition, be admitted to prosecute as co-plaintiffs upon such terms as the court may deem reasonable.

Rule 10. Consolidation

When various suits are pending, all resting upon the same matter of right or defense, although there be no common interest between the parties, the court may consolidate or compel said suits to be tried together, and enter a single decree or decrees in each cause.

Rule 11. Severance

At any stage of the proceeding, if it appears to the court's satisfaction that the plaintiff is entitled to recover a part of the claim or claims set forth in the complaint and respondent does not claim any recoupment, offset, or counter-claim in respect of said part, the court may, upon motion, make an order of severance and enter an appropriate decree all without prejudice to the further prosecution of the cause with respect to the remaining issues.

Rule 12. Substitution of Parties

When by reason of the death or incompetency of any of the parties, changes of interest in the suit, defects in the pleadings or proceedings, or otherwise, new or substituted parties to the suit are necessary or proper, persons, upon their own petition or upon petition of any party to the cause, may be made parties by appropriate order *ex parte* if no appearance or claim has been filed, otherwise the said application shall be made on notice to all parties who have filed appearance or claim. The order may provide for the issuance of process.

Rule 13. Attachments

(a) *Sufficiency of Service in Proceedings* in Personam. In proceeding *in personam* where the debts, credits or effects named in any process of foreign attachment are not delivered up to the marshal by the garnishee or are denied by him to be the property of the respondent it shall be a sufficient service of such foreign attachments to leave a copy thereof with such garnishee, or at his usual residence or place of business, with notice of the property attached. On due return thereof by the marshal, the plaintiff, on proof satisfactory to the court that the property belongs to respondent, may proceed to a hearing and final decree in the cause.

(b) *Sufficiency of Service in Proceedings* in Rem. In proceedings *in rem,* process against freight or proceeds of property in possession of any person, and all orders granted by the court under the Supreme Court Supplemental Rules for Certain Admiralty and Maritime Claims in similar cases may be served in like manner.

Rule 14. Appraisements and Appraisers

(a) *Order for Appraisement Upon Seizure of Property for the United States.* In case of seizure of property in behalf of the United States, an appraisement for the purpose of bonding the same may be had by any party in interest, on giving one day's previous notice of motion for the appointment of appraisers. If the parties or their attorneys and the United States attorney are present in court, such motion may be made instanter, after seizure and without previous notice.

(b) *Orders for Appraisement Upon Seizure of Property for Private Party.* Orders for the appraisement of property under arrest or attachment at the suit of a private party may be entered as of course, at the instance of any party interested, or upon the consent of the attorneys for the respective parties.

(c) *Appointment of Appraiser.* Only one appraiser is to be appointed, unless otherwise ordered, and, if the respective parties do not agree in writing upon the appraiser to be appointed, the judge shall name him.

(d) *Notice of Making Appraisement; Filing of Appraisement.* The appraiser shall give one day's notice of the time and place of making the appraisement to the attorneys in the cause. The appraisement when made shall be filed with the clerk.

Rule 15. Release of Seizures

Property seized by the marshal may be released as follows:

(a) *Giving Bond.* By giving bond as provided by Title 28 U. S. Code, Section 2464 and Supreme Court Supplemental Rules for Certain Admiralty and Maritime Claims.

(b) *Suits for Sum Certain; Payment Into Court.* In suits for sums certain, by paying into court the amount alleged in the complaint as due, with interest as claimed therein up to the term next succeeding the return day, or by filing an approved bond for such alleged amount, with interest, and by payment into court of the costs of officers of the court already accrued, and by depositing also the sum of $250.00, to cover further costs; or in lieu of such deposit for costs giving bond for costs in the usual form.

(c) *Suits Not Possessory, Petitory or Licitation; Filing Approved Bond.* In suits, other than possessory, petitory or licitation, by filing an approved bond for the amount of the appraised or agreed value of the property seized with interest (unless the same is modified by an order of the court), conditioned to abide by all orders of the court, interlocutory or final, and to pay the amount awarded by the final decree rendered by the court, or by any appellate court, if an appeal intervene, with interest and costs.

(d) *Possessory, Petitory and Licitation Suits Upon Order of Court.* In possessory, petitory and licitation suits upon the order of the court only, and on such security and terms as ordered.

(e) *Clerk's Order Upon Consent of Detaining Attorney.* By an order duly entered by the clerk upon the written consent of the attorney for the party on whose behalf the property is detained.

Rule 16. Summary Release From Arrest or Attachment

Where there is an arrest of the person, or where property is attached, the party arrested or any person having a right to intervene in respect of the thing attached, may, upon evidence showing any improper practice or a manifest want of equity on the part of the plaintiff be entitled to an order requiring the plaintiff to show cause instanter why the arrest or attachment should not be vacated. This rule shall have no application to suits for seaman's wages when process is issued upon a certificate of sufficient cause filed pursuant to Sections 4546 and 4547 of the Revised Statutes (Title 46 U. S. Code, Sections 603 and 604).

Rule 17. Decree of Default

(a) *Decree by Default at Expiration of Time for Answer.* On the expiration of the time to answer, if no pleading, exceptions or exceptive allegations have been filed, the plaintiff or petitioner may enter, by default, an interlocutory or final decree as may be appropriate, without notice, unless the claimant or respondent has appeared by attorney, in which case at least five days notice of the submission of such decree shall be given.

(b) *Final Decree in Suits Involving Attachment; Notice Required.* In any suit *in rem*, or *in personam*, where debts, credits or effects have been attached and there has been no appearance, a final decree will not enter unless notice of the suit has been given by personal service or by mail, to the owner or agent of the property arrested or attached at his last known address or to the master or person in charge of a vessel in custody. Such notice shall be in addition to the proof of publication of the notice of arrest and shall specify the date the complaint was filed and by whom and the date the property was arrested or attached. If it be made to appear to the court that such notice cannot be given or is unnecessary, then proof of the publication of the process and attachment of the *res* thereunder shall be sufficient.

(c) *Final Decree in Breach of Contract Actions, Damages Liquidated.* Unless the court otherwise directs, in all cases where an interlocutory decree may be entered under sub-division (a), a final decree on default may be entered where the complaint is for breach of contract and the damages are liquidated, upon affidavit or other proof satisfactory to the court, without the requirement of a reference to a commissioner or hearing by the court.

Rule 18. Tender, and Notices Before Trial in Limitations of Damage

(a) *Tender Prior to Suit; Prior to Filing Answer.* A tender *inter partes* before suit shall be of no avail in defense, or in discharge of costs, unless, before the answer is filed, the amount so tendered shall be deposited in court to abide the final order or decree. In case of such deposit, the respondent or claimant shall recover costs, unless the plaintiff shall recover a sum in excess of the amount of the tender, without interest after the date of the tender.

(b) *Withdrawal of Tender by Plaintiff.* The plaintiff may at any time on notice take an order for the withdrawal of so much of the tender or amount deposited as the court may allow, without prejudice to continuing the litigation for a larger amount leaving in the registry a sum sufficient to cover the respondent's or claimant's costs, in case the amount deposited should be held in the court, or in any appellate court, to be a sufficient tender.

(c) *Effect of Consent That Tender Be Paid to Plaintiff.* If the respondent or claimant serves on the attorney for the plaintiff written notice of consent that the whole, or any specific part, of the tender deposited to be paid to the plaintiff, the respondent or claimant shall not be liable thereafter for interest on so much of the plaintiff's claim.

(d) *Offer of Decree Prior to Trial.* At any time before trial a respondent or claimant may serve and file a written offer to allow a decree to be entered for a sum therein specified, with costs to the date of the offer. The respondent or claimant shall recover costs from the date of filing of the offer unless the plaintiff shall recover damages in excess of the amount of the offer, without interest after the date of filing of the offer.

(e) *Court's Discretion: Costs and Disbursements.* Nothing, however, in this rule shall be held to control the discretion of the court in respect of costs and disbursements.

Rule 19. Offer of Damages After Interlocutory Decree

At any time after an interlocutory decree in favor of the plaintiff, the respondent or claimant, without prejudice to his right to appeal, may serve and file a written offer to allow plaintiff's damages to be assessed at a sum of money therein specified with interest, if allowable, and with costs, to be taxed to the date of the offer. Said respondent or claimant shall recover costs from the date of the offer, unless the plaintiff shall obtain a final decree wherein the damages awarded (without interest or costs after offer) exceed the amount of the offer.

Rule 20. Commissioners' Reports and Fees

(a) *Appointment of Commissioner; Fixing Time and Place for Hearing.* When a reference is made, the clerk shall forthwith notify the commissioner of his appointment. Any of the parties may fix the time and place for the hearing by giving at least ten days' notice in writing to the other parties or their attorneys and to the commissioner.

(b) *Disposition of Commissioner's Report.* The report of the commissioner together with the transcript of the proceedings and the exhibits, shall be filed by him with the clerk. Upon the filing of his report, the commissioner shall furnish the clerk with sufficient copies of a notice of filing thereof addressed severally to the parties or their attorneys to enable the clerk to mail a copy to each of them. In no event shall the commissioner retain his report as security or withhold prompt filing of the same because of failure to pay his fee.

(c) *Nonpayment of Commissioner's Fee; Exceptions to Amount; Payment Enforced by Court.* If the fee of the commissioner shall not have been paid upon the filing of the report, he shall certify, by endorsement on the report, the amount of the fee and the fact that it has not been paid. Exceptions to the amount of such fee may be filed in like manner as to the report. After the filing of such report, if it appears that the fee of the commissioner has not been paid, the court by appropriate proceedings may enforce payment thereof in favor of such officer against any party or the *res* liable therefor. At the instance of any party the fee of such commissioner shall be taxed as costs by the clerk.

(d) *Exceptions to Commissioners' Reports.* Exceptions to the reports of commissioners shall be filed within ten days after service of notice of filing of the report, in default of which the report may be confirmed at the instance of any party by order entered without notice, upon proof of service of notice of filing the report and default in filing exceptions.

Rule 21. Judicial Sale, Return of, by Marshal

(a) *Disposition of Proceeds of Judicial Sale; Filing of Marshal's Account.* When any money shall come to the hands of the marshal under or by virtue of any order or process of the court, he shall forthwith present to the clerk a bill of his charges thereon and a statement of the time of receipt of the money and upon the filing of the statement and the taxation of the charges he shall forthwith pay to the clerk the gross amount of said money, and such statement and charges shall be paid as part of the bill of costs. An account of all property sold under the order or decree of this court shall be returned by the marshal and filed in the clerk's office, with the execution or other process under which the sale was made.

(b) *Wharfage, Storage and Like Charges While Property in Marshal's Custody.* Wharfage, storage, and like charges which accrue while the vessel or other property is in the marshal's custody shall not be included in the marshal's bill of charges, except by consent of all interested parties, lienors who have appeared, or their attorneys. If such charges are not consented to in the marshal's bill, they may be claimed by petition filed, unless otherwise ordered, not later than ten days after sale of the vessel or other property, against the proceeds or against any party claimed to be responsible therefor. The wharfinger or other person entitled to such charges shall be given notice of settlement of the final decree and order of distribution of proceeds.

(c) *Bills of Costs.* All bills of costs shall be taxed by the clerk as in civil actions, and, upon reasonable notice, shall be subject to review by the court.

Rule 22. Claims After Sale—How Limited

In proceedings *in rem,* claims upon the proceeds of sale of property under a final decree, except for seamen's wages, will not be admitted in behalf of lienors who file complaints or petitions after the sale, to the prejudice of lienors who file complaints or petitions before the sale, but shall be limited to the remnants and surplus, unless for cause shown it shall be otherwise ordered.

Rule 23. Stay of Execution

Execution shall not issue for 10 days after service of a copy of the decree with notice of entry upon the adverse party, or his attorney, unless the decree shall have been entered on default or the court shall otherwise order.

Rule 24. Summons and Severance Abolished

Parties interested jointly, severally, or otherwise in a judgment or decree may join in an appeal therefrom; or, without summons and severance, any one or more of them may appeal separately or any two or more of them may join in an appeal.

Rule 25. Terminology

(a) *Court.* The word "court" shall mean a judge of the district or a judge holding the courts of the district.

(b) *Clerk.* The word "clerk" shall mean the clerk of the district court or any deputy clerk of the district.

(c) *Marshal.* The word "marshal" shall mean the marshal of the district or any deputy marshal of the district.

(d) *Service.* The word "service," except as otherwise provided by these rules or the Supreme Court rules, shall mean the delivery or mailing of the paper or instrument to be served to the party to be served or to his or its agent, officer, or attorney. The receipt of such a paper or instrument to be served by the party to be served or his or its agent, officer, or attorney, shall be proof of such service, whether the receipt of such a paper or instrument is from the clerk or from the serving or moving party or his or its attorney.

(3) RULES OF PRACTICE IN THE DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The United States District Court
for the
Western District of North Carolina

LOCAL RULES OF COURT

Effective the 1st day of April, 1965

DIVISIONS OF THE DISTRICT SHOWING COUNTIES AND PLACE OF HOLDING COURT IN EACH DIVISION

Charlotte	**Statesville**	**Shelby**	**Asheville**	**Bryson City**
Anson	Alexander	Cleveland	Avery	Cherokee
Gaston	Burke	Lincoln	Buncombe	Clay
Mecklenburg	Caldwell	Rutherford	Haywood	Graham
Union	Catawba		Henderson	Jackson
	Iredell		Madison	Macon
			McDowell	Swain
			Mitchell	
			Polk	
			Transylvania	
			Yancey	

UNITED STATES DISTRICT JUDGES

JAMES BRAXTON CRAVEN, JR., *Chief Judge* .... Morganton, North Carolina
WILSON WARLICK .... Newton, North Carolina

CLERK

THOMAS E. RHODES ...... United States Post Office Bldg., Asheville, North Carolina
Telephone: 254-0961 ext. 648

REFEREE IN BANKRUPTCY

J. HARRY SAMPLE .... 512 Gennett Building, Asheville, North Carolina
Telephone: AL 4-6174

UNITED STATES PROBATION OFFICE

WILLIAM J. SEAGLE, *Chief Probation Officer* .... 302 Federal Building, Statesville, North Carolina
Telephone: 872-1347

In the United States District Court for the Western District of North Carolina

ORDER PROMULGATING LOCAL RULES

The judges of this court acknowledge with grateful appreciation the advice and assistance of an able and distinguished committee representing the Bar of this district in preparing the Local Rules promulgated herein.

The members of the committee are:

Mr. James M. Baley, Jr., Attorney, Asheville, North Carolina
Mr. Sam J. Ervin, III, Attorney, Morganton, North Carolina
Mr. Fred B. Helms, Attorney, Charlotte, North Carolina
Mr. Hunter M. Jones, Attorney, Charlotte, North Carolina
Mr. Hugh L. Lobdell, Attorney, Charlotte, North Carolina
Mr. William Medford, U. S. Attorney, Asheville, North Carolina
Mr. Robert N. Robinson, Attorney, Charlotte, North Carolina
Mr. J. Harry Sample, Referee in Bankruptcy, Asheville, North Carolina
Mr. J. Paul Teal, Chief U. S. Deputy Marshal, Asheville, North Carolina
Mr. Thomas A. Uzzell, Jr., Attorney, Asheville, North Carolina
Mr. Robert R. Williams, Jr., Attorney, Asheville, North Carolina

It is ordered, effective this date, that the practice and procedure of this court will hereafter be governed and controlled by the Federal Rules of Civil and Criminal Procedure and these Local Rules, appended hereto, and hereby adopted. All other orders and rules with respect to practice and procedure, including Joint Rules of Practice for the Eastern, Middle, and Western Districts of North Carolina dated March 25, 1939, are hereby rescinded.

This 1st day of April, 1965.

J. BRAXTON CRAVEN, JR., *Chief Judge*
WILSON WARLICK, *District Judge*

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for the
Western District of North Carolina

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I. General Rules

Rule 1. Attorneys.

A. Eligibility and Admission. Any lawyer who is a member in good standing of the North Carolina State Bar is eligible for admission to the bar of this court, which admission shall be granted as a matter of course upon the payment of a fee in the amount of $2.00 (Two Dollars) and upon taking the prescribed oath in open court which reads as follows:

> I do solemnly swear that I am a member in good standing of the North Carolina State Bar entitled to practice law in the courts of general jurisdiction of the State of North Carolina, and I do further solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same and that I will demean myself as an attorney and officer of this court in accordance with the Canons of Ethics of the North Carolina State Bar and American Bar Association, and according to law.
>
> I take this obligation freely without any mental reservation or purpose of evasion, so help me God.

Any lawyer who is a member in good standing in the United States District Court for the Middle and Eastern Districts of North Carolina may practice in this District without the necessity of taking the oath or paying the $2.00 fee, and upon his appearance in this District shall be deemed a member of this District Bar.

It shall not be necessary for a member in good standing of the North Carolina State Bar to be formally admitted in this district in advance of making an appearance and filing papers; such attorney may be admitted *nunc pro tunc* at trial time.

B. Special Admissions. Any lawyer who is a member in good standing of the Bar of the Supreme Court of the United States or the Bar of the Supreme Court of any state in the United States may, in the discretion of the judges of this court, be permitted to appear in a particular case. If such permission is granted, and if a member of the bar of this court is not associated, said attorney and his client shall be deemed to have consented that service of all pleadings and notices may be made upon a deputy clerk in the appropriate division of this court as process agent. The court encourages such out-of-state attorneys to associate a member of the bar of this court in *all* cases, but will not require such association where the amount in controversy or the importance of the case does not appear to justify double employment of counsel. Special admissions will be the exception and not the rule, and no out-of-state lawyer will be permitted to practice frequently or regularly in this court without association of local counsel.

Where justice requires, the authorized deputy clerks at Asheville, Statesville and Charlotte may permit the filing of papers at the request of out-of-state counsel; provided, however, the further participation of out-of-state counsel shall be governed as hereinabove provided.

C. Withdrawal of Counsel. If it will not delay a scheduled hearing or trial, counsel may file written consent of their client to their withdrawal and at the same time cause to be filed an appearance by other counsel, and such substitution of counsel shall be effective without court approval. Except for such substitution of counsel, there shall be no effective withdrawal except on order signed by one of the judges of the court.

D. Presenting Judgments, Orders, and Communications to Judges. Judgments and orders submitted by counsel will ordinarily be sent to the clerk in the appropriate division and not to the judge, unless shortness of time or other good reason appears for sending them directly to the judge. Copies as may be needed will be certified by the clerk.

All communications (letters, briefs, enclosures, etc.) sent to a judge about a case must show a copy sent to opposing counsel, and copies must be sent to opposing counsel.

E. Filing of Papers. All orders and judgments shall be filed with the court in duplicate. All papers of every sort may be filed at Statesville, Charlotte, or Asheville, regardless of the Division in which the case may be pending as may suit the convenience of counsel.

Rule 2. Sessions.

The court shall be in continuous session in all divisions of the district, and all matters, criminal and civil, shall be subject to being called for hearing and trial at any time upon reasonable notice to the parties.

Regular terms for the disposition of criminal cases are now established as follows:

Statesville Division —Third Monday, March and September
Charlotte Division —First Monday, April and October
Shelby Division —Third Monday, April and October
Asheville Division —Second Monday, May and November
Bryson City Division —Fourth Monday, May and November

Additional criminal sessions will be scheduled from time to time in all divisions as may be required to dispose of the criminal dockets promptly.

Trial calendars in civil cases will be prepared by the court, usually at the time of the Motion, Pre-trial and Settlement conference, or soon thereafter. Civil sessions of court will be held as often as necessary to accomplish, insofar as possible and except in the unusual cases, the following *illustrative* schedule of disposition of cases.

(a) In the unusual case where *both* sides press for trial and *both* counsel are diligent in preparation—not more, and usually less, than six months should elapse between filing of complaint and trial.

(b) When *one* side presses for an early trial, the time lapse from filing complaint to trial should not exceed nine months.

(c) Where neither side presses for an early trial, the time lapse from filing complaint to trial should not exceed fifteen months.

(d) If any case becomes two years old—regardless of its difficulty—it will be treated as a judicial emergency, unless, for good cause, an order is entered putting the case on the inactive docket.

If necessary to promote the efficient administration of justice, all hearings and trials of civil cases may be transferred from any division to any other division within the district. With the consent of the parties, the judges may conduct hearings and trials at any place within the district.

Rule 3. Filing Fee, Cost Bond, Security, Recognizance, and Prohibited Sureties.

A. Filing Fee and Cost Bond. In every civil action commenced in or removed to this court there shall be filed at the time of commencing or removal a $15.00 filing fee. In a civil case commenced in this court, no bond, or cash deposit in lieu of such bond, as security for costs shall be required except on motion. However in a removal case, a $200.00 bond, or cash deposit in lieu of such bond, as security for costs shall be filed as required by Title 28 United States Code 1446(d).

B. Security. In both civil and criminal actions, bonds shall be allowed and taken with security, or one or more sureties, as provided by the federal statutes, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure. The judges ot this district may, for good cause, enter orders restricting any bonding company or surety company from being accepted as surety upon any bond in any case or matter in this district.

C. Recognizance. In criminal cases, release on personal recognizance shall be freely granted by United States Commissioners. The requirement of security will ordinarily be imposed only in the unusual and more serious cases.

D. Prohibited Sureties. Members of the Bar, administrative officers or employees of this court, the United States Marshal, his deputies or assistants, shall not act as a surety in any suit, action or proceeding pending in this court.

Rule 4. Jurors.

Ordinarily, in the interest of time, the court will conduct the examination of prospective jurors, but may permit counsel to do so. If the court conducts the examination, counsel may suggest additional questions.

When jurors for a term of court are drawn, members of the bar of this court, upon request, shall be furnished with a copy of the list. The list shall include the address of each juror. However, no juror shall be contacted, either directly or through any member of his immediate family, in an effort to secure information concerning his background.

When the jurors report for duty at a term of court, the clerk shall make available to members of the bar of this court a diagram which shows the name, address and occupation of each juror, and the seat assigned him in the box.

Rule 5. No Photographing, Televising, or Broadcasting of Court Proceedings.

The taking of photographs in the courtroom, or in the corridors immediately adjacent thereto, during the progress of judicial proceedings, or during any recess, and the transmitting or sound recording of such proceedings for broadcasting by radio or television, shall not be permitted. Proceedings other than judicial proceedings, designed and conducted as ceremonies, such as administering oaths of office to appointed officials of the court, presentation of portraits, and similar ceremonial occasions, may be photographed in or broadcast or televised from the courtroom, with the permission and under the supervision of the court.

Rule 6. Orders and Judgments Grantable by Clerk.

Pursuant to the provisions of Rule 77(c), Federal Rules of Civil Procedure, the Clerk of the court at Asheville and an authorized deputy clerk at Asheville, Charlotte, and Statesville are authorized to grant and enter the following orders and judgments without further direction by the court, but his action may be suspended, altered or rescinded by the court for cause:

(1) Consent orders for the substitution of attorneys.

(2) Consent orders extending for not more than 30 days the time within which to answer or otherwise plead, answer interrogatories submitted under Rule 33, Federal Rules of Civil Procedure, or requests for admission as provided for in Rule 36, Federal Rules of Civil Procedure. Care will be taken not to extend the time for so long as to delay unreasonably the trial. Matters in bankruptcy and those matters set forth in Rule 6(b), Federal Rules of Civil Procedure, are not included in this authorization.

Where convenience and necessity are thought to require it; e.g., unavailability of a judge, and except where an extension may delay a scheduled trial or hearing, the Clerk or deputy clerk(s) in the division in which the proceeding is pending is/are authorized to extend for not more than ten days the time within which to answer or otherwise plead, answer interrogatories submitted under Rule 33, or request for admission as provided for in Rule 36. If the other party is aggrieved, he may immediately appeal the action of the clerk's office to one of the district judges.

(3) Consent orders extending for not more than thirty days the time to file the record on appeal and to docket the appeal in the appellate court, except in criminal cases.

(4) Consent orders dismissing an action, except in bankruptcy proceedings and in causes to which Rule 23(c) and Rule 66, Federal Rules of Civil Procedure, apply.

(5) Judgments of default as provided for in Rule 55(a) and 55(b) (1), Federal Rules of Civil Procedure.

(6) Orders cancelling liability on bonds.

(7) Orders changing the time of opening and adjourning court in absence of the judge.

(8) Judgments authorized by Rule 58, Federal Rules of Civil Procedure.

Rule 7. Motion, Pre-trial and Settlement Conference.

There shall be one Motion, Pre-trial and Settlement conference — hereinafter called pre-trial conference—in every civil case, unless the parties, with the court's approval, agree not to have one. Insofar as practicable, all motions shall be heard and ruled on at this pre-trial conference. An effort will be made to simplify the issues and the possibility of settlement will be discussed, provided that any party has the right to decline to discuss settlement and insist on immediate trial. After being fully advised by counsel, the Court will dictate a pre-trial order (See Form 1 in the appendix to these rules) to accomplish the following:

(1) Make or permit to be made such changes, if any, to the pleadings as may be necessary or desirable.

(2) Rule on any motions pending and make provision for the disposition of motions that may subsequently arise.

(3) Set a termination date for the completion of all discovery procedures.

(4) Set a trial date.

(5) Require inspection of all exhibits before trial and a listing of exhibits.

(6) Avoid questions of authenticity of documents — unless authenticity is a genuine issue.

Ordinarily, only one such pre-trial conference will be held.

Except where special hearings are convened at request of counsel, the clerk's office will prepare and mail a pre-trial calendar at least ten days before the hearing date. All cases at issue will be scheduled. The calendar will disclose the time of day in fifteen minute, half-hour, and hour intervals for such conferences so as to delay and inconvenience counsel to the minimum possible extent. In the ordinary case, the pre-trial conference will not exceed thirty minutes duration. Since cases cannot be put on the trial calendar until motions have been ruled upon, and pre-trial order entered, motions for continuances of such hearings will ordinarily be denied. Although it is better for counsel in charge of the case to attend, the presence of associate or junior counsel will usually suffice and prevent unnecessary delay. Counsel need not prepare briefs in advance of a pre-trial hearing. Questions of law will be discussed at the conference and agreement reached as to necessity and scope of briefs, if any, and the time for filing same.

Rule 8. Motions in Civil Actions.

Unless made during a hearing or trial, all motions must be put in writing and shall state with particularity the grounds of the motion and shall set forth the relief or order sought.

Ordinarily, motions will be heard and determined at pre-trial conference. (Rule 7.) As to motions which arise *after* pre-trial conference, or which ought to be determined *prior* thereto, the court will ordinarily determine such motions without oral hearing upon brief written statements of reasons in support and opposition. (Rule 78, Federal Rules of Civil Procedure.) Such statements may be simply prepared in letter form. Where it is thought necessary or desirable, the court may order a hearing.

A. Conference of Attorneys with Respect to Motions and Objections Relating to Discovery. With respect to all motions and objections relating to discovery, pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, counsel for each of the parties shall meet and confer in advance of any hearing in a good faith effort to narrow the areas of disagreement.

B. Motions for an Extension of Time to Perform an Act. All motions for an extension of time to perform an act required or allowed to be done within a specified time *must* show prior consultation with opposing counsel, and the views of opposing counsel with respect to the extension.

Rule 9. Opening Statements in Civil Actions.

At the commencement of the trial of civil actions, the party upon whom rests the burden of proof may state, briefly and without argument, his cause of action and the evidence by which he expects to sustain his claim. The adverse party may then state, briefly and without argument, his defense and the evidence by which he expects to sustain same. If the trial is to the jury, the opening statement shall be made immediately after the jury is empaneled. If the judge, in the course of questioning the prospective jurors, has sufficiently explained the nature of the case, the parties may elect to waive opening statements. If the trial is to the court, the opening statement shall be made immediately after the case is called for trial, and may likewise be waived. Opening statements shall be subject to such time limitations as may be imposed by the court.

Pleadings will not be read.

Rule 10. Discovery.

The importance of discovery to federal practice cannot be overemphasized. Counsel are *required* to begin such discovery procedures as will be utilized (Rules 26-37) *promptly* after the case is at issue and are encouraged to begin even before issue is joined. Counsel will *not* wait until pre-trial conference is imminent to begin discovery. Ordinarily, no more than ninety days will be allowed after issue is joined within which time to complete discovery. In the exceptionally difficult case more time may be allowed.

II. Bankruptcy Rules

Rule 11. Filing Fees.

A. Original Petition. At the time of filing the petition initiating a proceeding under the Bankruptcy Act, the filing fees, except as provided in subsection D of this rule, shall be deposited with the clerk of court as follows:

(1) For ordinary bankruptcy of an individual or a corporation, $50.00. In partnership cases, $50.00 for each partner and $50.00 for the partnership.

(2) For an arrangement under Chapter XI, $50.00.

(3) For a real property arrangement under Chapter XII, $50.00.

(4) For corporate reorganization under Chapter X, $120.00, if no bankruptcy proceeding. Otherwise, $70.00.

(5) Railroad reorganization, under Chapter XV, $150.00.

(6) For composition of local taxing agency under Chapter IX, $100.00.

(7) For wage earner plan under Chapter XIII, $15.00.

B. Petition to Reopen Cases. To reopen any closed bankruptcy proceeding there should be a deposit with the clerk of court of the sum of $50.00.

C. Ancillary Proceedings. For ancillary proceedings there should be a deposit with the clerk of court of the sum of $40.00.

D. Petitions in Pending Cases. The filing fees for petitions in pending cases are as follows:

(1) Petition to reclaim property from a bankrupt estate, $10.00.
(2) Petition to review an order of the referee, $10.00.
(3) Objections to the discharge, $10.00.

Comment: Filing fees for petitions filed with the referee shall accompany the petitions when filed with checks payable to the clerk of court.

E. Changes. If any of the above filing fees are changed by the Judicial Conference of the United States, they shall be considered as automatic changes in this rule to conform to the new fees adopted by the said Conference.

Rule 12. Filing Original Petitions, Schedules and Statement of Affairs.

A. Number of Copies and Place to File. In bankruptcy petitions under Chapters I through VII of the Bankruptcy Act (ordinary bankruptcy), the schedule of assets and liabilities and the statement of affairs shall be filed in triplicate originals with each of the three originals duly executed by the bankrupt and filed with the clerk of the court. In involuntary bankruptcy proceedings, the bankrupt should file with the referee within five days after adjudication the schedule of assets and liabilities and statement of affairs as required in Section 7 of the Bankruptcy Act.

Comment: Among the official forms adopted by the United States Supreme Court which have become a part of the Bankruptcy Act as found in the United States Code, are Form No. 1 which constitutes the petition and schedule of assets and liabilities, and Form No. 2 which constitutes the statement of affairs. Official Form No. 5 constitutes the petition for an involuntary proceeding. These forms, except the involuntary form, are commercially printed and distributed rather widely and may be obtained from local legal supply houses. Kale-Lawing Company, South Tryon Street, Charlotte, North Carolina, and Pound and Moore Company, South Tryon Street, Charlotte, North Carolina, and Hoyle Office Supply Company, 21 North Market Street, Asheville, North Carolina, have agreed to carry for sale such forms at all times and to mail or deliver them to lawyers immediately upon request. Proof of claim forms are also available at the same sources. For larger quantities, more economical prices can be obtained by ordering direct from printer such as Tuttle Law Print, Inc., Rutland, Vermont.

B. Full Name and Trade Names. The bankrupt's full name shall be set out in the petition. In voluntary bankruptcy proceedings, all assumed, fictitious or trade names and any other names or designations by or under which the bankrupt has been known or has conducted any business within six years next preceding the filing of the petition in bankruptcy shall be set forth in the petition. In involuntary proceedings, such facts shall be set forth in the petition to the best knowledge, information and belief of the petitioning creditors. In all cases, such facts shall be set forth in the notices to the creditors of the first meeting of creditors.

C. Listing Creditors. The list of creditors in the schedule of assets and liabilities should be accurate and complete. The street number, city and state should be listed after each creditor with sufficient accuracy to assure mail delivery.

Comment: An inadequate or incomplete mailing address may result in the bankrupt not being discharged of that indebtedness because of insufficient notice to the creditor.

D. Inability to Pay Filing Fee. A petition in a voluntary proceeding under Chapters I through VII or Chapter XIII of the Bankruptcy Act may be accepted for filing by the clerk of court if accompanied by a verified petition by the bankrupt stating that the petitioner is without and cannot obtain the money with which to pay the filing fee in full at the time of filing, accompanied by an affidavit of the petitioner's attorney that the attorney has not and will not accept any compensation for his services as such attorney until such filing fee is paid in full. The bankrupt's petition shall state the facts showing necessity for payment of the filing fee in installments and shall set forth the times upon which the bankrupt proposes to pay such fees. No discharge shall be granted until the filing fee is paid in full.

Comment: The limitations and provisions in respect to the installments as well as the facts that the proceeding may be dismissed on failure to pay the costs is contained in General Order No. 35.

E. Partnerships. Where a petition in bankruptcy involves a partnership, the petition should clearly indicate whether the individual partners are included among the bankrupts with the partnership and whether the partners are to be adjudged bankrupts individually along with the partnership. There shall be separate adjudications for each individual and for the partnership. Whether the partners are adjudicated individually or not, the schedule of assets and liabilities should contain a separate list of the assets and liabilities of each partner.

Comment: The discharge of a partnership shall not discharge the individual partners thereof from the partnership debts. Therefore, it is most important to the partners that the petition and the adjudication include the partners. As to the treatment of the partnership and the partners in bankruptcy, see Section 5 of the Bankruptcy Act.

F. Personal Property Exemptions. The $500.00 personal property exemption of the bankrupt as recognized under the laws of the State of North Carolina should be claimed by the bankrupt in the schedule of assets and liabilities. If the bankrupt does not claim the exempt property, the failure to do so will be considered a waiver of his rights to the said exemption. It will be sufficient to protect such rights to claim the $500.00 exemption without identifying the particular property to be included in the allotment.

G. Estates by the Entirety. When one spouse is adjudicated a bankrupt, real estate held by the entirety is not an asset of the bankrupt estate. However, the schedule of assets and liabilities as filed by the bankrupt should indicate what property is held by the entirety, giving the approximate date of purchase, the present value and the location of the property. The value of said property would not be listed in the total value of the bankrupt estate.

H. Life Insurance Exemption. The cash surrender value of life insurance of the bankrupt is exempt if the bankrupt's wife or children are designated beneficiaries. However, the name of the insurance company, policy number, date of issuance and name of the beneficiary as well as the face amount of the policy, should be listed in the schedule of assets and liabilities by the bankrupt. The value of the policy should not be included with the total assets of the estate. The trustee in allotting the exemptions of the bankrupt should allot such life insurance by name of company, number of policy, etc., as indicated in the schedule of assets and liabilities.

Rule 13. Employment of Attorneys.

A receiver or trustee shall not employ an attorney except as provided in General Order No. 44.

Rule 14. Compensation of Attorneys.

A. Petition for Fees. An attorney for a receiver, trustee, petitioning creditors, bankrupt or debtor shall be allowed compensation only for services necessarily and actually rendered and expenses necessarily and actually incurred and paid. An attorney entitled to compensation for services shall file with the referee his petition setting forth the value and extent of the services rendered in detail indicating the amount requested and what amount, if any, has heretofore been paid to him.

B. Division of Fees. The petition by an attorney for attorney's fee shall be accompanied by his affidavit stating whether an agreement or understanding existed between the attorney and any other person for a division of the compensation, and if so the nature and the particulars thereof. The affidavit shall state that no division of fees will be made except as indicated therein. Such statement may be incorporated in the petition provided the petition is under oath.

Comment: If the division is with attorney's law partner, such should be indicated. However, the manner or percentage of division is not required to be disclosed. The restrictions on divisions of fees are contained in Section 62(c) of the Bankruptcy Act. For a suggested form for the affidavit, see Form No. 3 in the Appendix to these rules.

C. Fixing Fees. In fixing compensation of an attorney, the following factors shall be taken into consideration:

(1) Amount of work done.
(2) Length of time employed.
(3) Difficulties or intricacies of the bankruptcy proceeding.
(4) Results accomplished.
(5) Amount involved in connection with services rendered.
(6) Size of the estate.
(7) The skill required and experience of counsel in similar cases.
(8) Contingency or uncertainty of compensation.

D. North Carolina Bar Association Rates. When computing compensation on the basis of time and depending on the importance of the case, the referee may consider the recommended minimum fee schedule of the North Carolina Bar Association.

Rule 15. Petitions, Orders and Pleadings After Reference.

A. Filed With Referee. After a proceeding has been referred to the referee all petitions, pleadings and applications for orders within the referee's jurisdiction shall be made to the referee and filed with the referee.

B. Verification. (1) Required to be verified are petitions initiating the action in bankruptcy either voluntary or involuntary, statement of affairs, assets and liabilities, statement as to the division of fees as applied for by attorneys, trustee and receiver, and all reports by receiver and trustee in which there is an accounting of funds or reporting the expenses to be paid from the estate and power of attorney.

(2) Not required to be verified or under oath are all pleadings, petitions, motions and applications in the bankruptcy proceeding except as noted above.

Comment: The official caption and verification in bankruptcy proceedings is set forth in Form No. 2, Appendix to these rules.

C. Service on Trustee. Any person filing a petition to reclaim property or for the release of any rights to property, shall serve a copy of such petition on the trustee or his attorney by mailing the same to him and attaching a statement of such service to the petition as filed with the referee.

D. Manuscript Covers. Petitions, applications and orders filed with the referee should not have manuscript covers unless such covers are necessary to protect exhibits attached.

E. Communications to Referee or Judge. Letters sent to a judge or the referee about a case must show a copy sent to the trustee and/or receiver and/or opposing counsel.

Rule 16. Petition for Discharge of Bankrupt.

A. Individual or Partnership. The adjudication of an individual or a partnership operates as an application for a discharge and no further petition is necessary.

B. Corporation. If a discharge of a corporation is desired, a petition for such discharge must be filed within six months after the adjudication.

Rule 17. Objections to Discharge.

The objection to the discharge may contain one or more specifications of the grounds of opposition to such discharge. Each specification should be numbered and reference made to the applicable subparagraph of Section 14(c) of the Bankruptcy Act. Each specification should allege the essential facts and all the elements constituting the bar to discharge and not merely allege generalities or conclusions. A specification alleged in the words of the statute alone is not sufficient except where the specification is under Section 14(c) (2) of the Bankruptcy Act for failing to keep accounts and records from which the bankrupt's financial condition and business transactions might be ascertained.

Comment: For the $10.00 filing fee for objections to discharge, see Local Rule 11D (3). Official Form No. 44, Specifications of Objection to Discharge, is set forth as Form No. 4 in the Appendix of these rules.

Rule 18. Federal Rules of Civil Procedure.

A. Applicability. The Federal Rules of Civil Procedure shall, insofar as they are not inconsistent with the Bankruptcy Act and the General Orders, be followed as nearly as may be pursuant to General Order No. 37 under the Bankruptcy Act.

B. Pre-trial Conferences. The pre-trial conference procedure under Rule 16, Federal Rules of Civil Procedure and Local Rule 7, shall be used by the referee to its fullest advantage. Request for a pre-trial conference may be made by any party to any matter being litigated before the referee in bankruptcy.

Comment: The purpose and scope of the pre-trial conference before the referee in involved and complicated matters will be similar and as binding on the parties as a pre-trial conference under Local Rule 7.

Rule 19. Filing Claims.

A. Form. Proof of claim should be presented on a regular proof of claim form as prescribed by the Bankruptcy Act, being Official Forms Nos. 28, 29, 30, and 31. The proof of claim should have attached to it an itemized statement of the account. If the claim is based on a note or written contract, a true copy or photostatic copy should be attached. All credits should be shown by date, character and amount within the last six months. It is not required that the claim be executed under oath, except the proof of claim should be under oath when power of attorney is included.

Comment: Commercial printers usually combine the four forms into one printed form which is used in filing claims and most frequently referred to as "Proof of Claim Form in Bankruptcy." These forms can be obtained from almost any legal supply company. See also source of supply under Local Rule 12A, comment. The Bankruptcy Act has been amended dispensing with the requirement of the claim to be under oath; however, execution of power of attorney should be under oath.

B. Where Filed. All claims should be filed with the referee. Any proof of claim received by the clerk, trustee or receiver shall immediately be forwarded to the referee for filing where all claims shall be kept as provided by General Order No. 24.

C. Time for Filing. Claims must be filed within six months after the first date set for the first meeting of creditors.

Comment: See Section 57 of the Bankruptcy Act in regard to filing claims. A claim must be filed in bankruptcy in order to participate in any dividend. A prior filing in a state receivership or other insolvency proceeding does not constitute a filing in the bankruptcy court.

Rule 20. Solicitation of Proxies and Voting.

A. Requirements for Voting by Attorneys at Law. An attorney desiring to vote more than one claim under power of attorney or proxy at any meeting of creditors may be required by the referee in his discretion to furnish information prior to such voting to include:

(1) The names and amounts of the claims he desires to vote.

(2) Whether any of the creditors' claims he desires to vote are his regular clients, and if so, their names and the approximate length of time they have been such regular clients.

(3) The name of the person from whom he received the claims of creditors who are not his regular clients and the nature of his connection with such person or association or company.

(4) Whether the claims of creditors other than his regular clients have been solicited and if so by whom.

(5) Whether the said claims will be voted in an interest other than that of general creditors.

B. Inquiry by Referee as to Solicitation of Proxies. The referee at his own instance or at the request of any party in interest in the proceeding may make or permit inquiry to be made as to the solicitation of claims voted or to be voted. If upon such inquiry it appears that any claims, powers of attorney, or proxies have been solicited with the intent or purpose of voting them at any meeting or hearing in the interest of the bankrupt or in the interest other than that of general creditors, the referee shall not allow the voting of such claims under such powers of attorney or proxies. If, in the opinion of the referee, the election of the trustee or the determination of any other matter to be submitted is likely to be unfairly affected by such disallowance, the referee may adjourn the meeting and notify the creditors who executed such powers of attorney or proxies of the adjourned date of the meeting to afford them an opportunity to attend and vote or to execute new powers of attorney or proxies.

Rule 21. Appeals From Referee.

A. Petition for Review. Any person aggrieved by an order of the referee may, within 10 days after the entry of such order or within such extended time as a referee upon petition filed within such 10 day period may for cause shown, file with the referee a petition for review of such order by the court, as provided by Section 39(c) of the Bankruptcy Act.

B. Service of Petition and Brief. A copy of the petition, together with a copy of the brief as hereinafter mentioned shall be served upon the adverse parties who were represented at the hearing by mailing copies of the same to the said parties, such service being indicated by a statement filed with the petition for review. The petition for review shall set forth the order complained of and the alleged errors in respect to such order.

Comment: An unofficial form for petitions for review may be found in Collier on Bankruptcy and Remington on Bankruptcy. See Unofficial Form No. 1000 at Page 3861, Vol. 5, Collier on Bankruptcy, and Unofficial Form No. 3500 on Page 810 in the volume of Forms, Remington on Bankruptcy. There are valuable comments and suggestions under each of the forms cited. There is a $10.00 filing fee for each petition for review as referred to in Local Rule 11D (2).

C. Briefs. Every petition for review should be accompanied by a brief in support of the alleged errors and the person filing said brief shall serve a copy thereof on the adverse parties who were represented at the hearing. Within 10 days after the referee files with the clerk his certificate for review, the opposing party shall file with the clerk and serve upon the petitioner his answering brief.

D. Hearing on Petition for Review. The referee shall furnish the clerk of court the name and address of each attorney for the interested parties having appeared in the hearing before him simultaneously with the transferral of the certificate of the referee to the court on the petition for review. Each attorney for the interested parties shall be notified by the referee of the forwarding of the certificate of review to the clerk's office. The clerk upon receipt of the certificate and the names of the attorneys for the interested parties shall immediately make arrangements or cause to be set a hearing on the said petition for review and notify each interested party through his attorney of the date and hour of said hearing. No further notice shall be required of the hearing on the petition for review.

Rule 22. Depositories.

A. Place of Deposit. Receivers and trustees shall deposit all bankruptcy funds in the banks within the district as shall be designated as such depositories and as directed from time to time, and all funds shall be disbursed by check and countersigned by the referee.

B. Canceled Checks and Statements. Each depository as designated shall retain the canceled checks and statements and deliver the same to the referee as and when directed. No canceled checks will be delivered by the bank to the trustee. However, the trustee may obtain any information about his account from the bank from time to time.

C. Report by Bank. Each depository having funds on bankrupt cases will report to the referee and to the clerk of court by not later than the first day of January and the first day of July of each year the name and the amount of each bankruptcy case on deposit in the respective bank as of the first day of the preceding month. The acceptance of the account by the depository is an implied agreement to abide by and be subject to these rules in regard to deposits.

Appendix of Forms

FORM 1

(See Local Rule 7)

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA
.... DIVISION

Plaintiff, } Civil No. ....
-vs-
Defendant. } Pre-Trial Order

1. Unless typed in below, there are no further amendments to be made to the pleadings nor any motions which have not been ruled on.
2. Unless typed in below, all discovery procedures (including medical examinations) have been completed or will be completed by the .... day of ...., 1965. The case is ready for trial before the Court .... a jury and will be calendared for trial at the .... Term, 1965. The duration of trial will be approximately .... days.
3. The Court requires that counsel permit each other to inspect all exhibits *before* the trial begins. Also before the trial begins, counsel will number all exhibits and make a *list* of them, and give to the courtroom Clerk three copies of the list when the case is called for trial. Usually it is a waste of time and money to bring custodians of records and documents to court for authentication. Counsel are requested to discuss authenticity of exhibits at least one week before trial so as to allow time for the party opposing the introduction of such exhibits to determine authenticity if it is seriously contested.
4. At least one week before trial the Court requests that counsel for plaintiff telephone or otherwise communicate with counsel for defendant and that both counsel seriously consider at that time the possibility of any settlement agreement.

Comment: Blanks in the foregoing paragraphs are filled in at pre-trial conference. The remainder of the pre-trial order is dictated by the judge in the presence of counsel at pre-trial conference.

FORM 2 (Bankruptcy)

(See Local Rule 15)

Official Caption and Verification

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA
In Bankruptcy No. ....

In the Matter of }
.... } PETITION
Bankrupt }

To the Honorable ...., Referee in Bankruptcy:

(CONTENTS OF PETITION)

....
Petitioner

....
Attorney for Petitioner
(As to requirement of verification see Local Rule 15B)
STATE OF ....
COUNTY OF ....
I, ..., the Petitioner named in the foregoing petition, do here-

by make solemn oath that the statements contained therein are true according to the best of my knowledge, information and belief.

....
Petitioner

Sworn to and subscribed before me this the .... day of ...., 19 ......
Notary Public (or other official)
My commission expires ....

Form 3 (Bankruptcy)

(See Local Rule 14B)

Division of Attorneys' Fees, Affidavit

(Caption as in Form No. 2)

................, being duly sworn deposes and says: That he is a petitioner in the above bankruptcy proceedings for compensation as ....; that no agreement has been made directly or indirectly by him, and no understanding exists between him and any other person for a division of compensation except as follows: ....; and that no division of fees prohibited in Section 62(c) of the Bankruptcy Act will be made by the applicant.

....
Applicant

(Verification)
See Form No. 2

FORM 4 (Bankruptcy)

(See Local Rule 17)

Specification of Objections to Discharge

(Caption as in Form No. 2)

..........., of ...., in the County of ...., State of ...., the trustee of the estate (or a creditor) of the above named bankrupt (or the United States attorney for said district or the attorney designated by the Attorney General of the United States), having examined into the acts and conduct of said bankrupt and being satisfied that probable grounds exist for the denial of the discharge of said bankrupt and that the public interest so warrants, does hereby oppose the granting to said bankrupt of a discharge from his debts, and specifies the following as grounds of objection: (Here specify in separately numbered paragraphs the grounds of objection).

....
Trustee (or creditor, etc.)

(Verification)
See Form No. 2

II. Removal of Causes

Chapter 89.

District Courts; Removal of Cases from State Courts.

Sec.
1442a. Members of armed forces sued or prosecuted.
1445. Nonremovable actions.

§ 1442a. Members of armed forces sued or prosecuted.

A civil or criminal prosecution in a court of a State of the United States against a member of the armed forces of the United States on account of an act done under color of his office or status, or in respect to which he claims any right, title, or authority under a law of the United States respecting the armed forces thereof, or under the law of war, may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States for the district where it is pending in the manner prescribed by law, and it shall thereupon be entered on the docket of the district court, which shall proceed as if the cause had been originally commenced therein and shall have full power to hear and determine the cause. (Added Aug. 10, 1956, ch. 1041, § 19 (a), 70A Stat. 626.)

§ 1445. Nonremovable actions.

(a) A civil action in any State court against a railroad or its receivers or trustees, arising under sections 51-60 of Title 45, may not be removed to any district court of the United States.

(b) A civil action in any State court against a common carrier or its receivers or trustees to recover damages for delay, loss, or injury of shipments, arising under section 20 of Title 49, may not be removed to any district court of the United States unless the matter in controversy exceeds $3,000, exclusive of interest and costs.

(c) A civil action in any State court arising under the workmen's compensation laws of such State may not be removed to any district court of the United States. (June 25, 1948, ch. 646, 62 Stat. 939; July 25, 1958, Pub. L. 85-554, § 5, 72 Stat. 415.)

Editor's Note. — The 1958 amendment added subsection (c) and changed the catchline of this section.

§ 1446. Procedure for removal.

(b) The petition for removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

If the case stated by the initial pleading is not removable, a petition for removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.

(September 29, 1965, Pub. L. 89-215, 79 Stat. 887.)

Editor's Note. — The 1965 amendment substituted "thirty" for "twenty" throughout subsection (b). As the rest of the section was not affected by the amendment, it is not set out.

§ 1447. Procedure after removal generally.

(d) An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise. (June 25, 1948, ch. 646, § 1, 61 Stat. 939; May 24, 1949, ch. 139, § 84, 63 Stat. 102; July 2, 1964, Pub. L. 88-352, Title IX, § 901, 78 Stat. 266.)

Editor's Note. — The 1964 amendment added the exception at the end of subsection (d). As the rest of the section was not affected by the amendment, it is not set out.

Federal Rules of Civil Procedure

Rule 81. Applicability in general.

(c) Removed Actions.

These rules apply to civil actions removed to the United States district courts from the state courts and govern procedure after removal. Repleading is not necessary unless the court so orders. In a removed action in which the defendant has not answered, he shall answer or present the other defenses or objections available to him under these rules within 20 days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after the service of summons upon such initial pleading, then filed, or within 5 days after the filing of the petition for removal, whichever period is longest. If at the time of removal all necessary pleadings have been served, a party entitled to trial by jury under Rule 38 shall be accorded it, if his demand therefor is served within 10 days after the petition for removal is filed if he is the petitioner, or if he is not the petitioner within 10 days after service on him of the notice of filing the petition. A party who, prior to removal, has made an express demand for trial by jury in accordance with state law, need not make a demand after removal. If state law applicable in the court from which the case is removed does not require the parties to make express demands in order to claim trial by jury, they need not make demands after removal unless the court directs that they do so within a specified time if they desire to claim trial by jury. The court may make this direction on its own motion and shall do so as a matter of course at the request of any party. The failure of a party to make demand as directed constitutes a waiver by him of trial by jury.

Editor's Note.—This rule was amended January 21, 1963, effective July 1, 1963. The amendment added the last four sentences of subdivision (c).

III. Authentication of Records

§ 1741. Foreign official documents.

An official record or document of a foreign country may be evidenced by a copy, summary, or excerpt authenticated as provided in the Federal Rules of Civil Procedure. (June 25, 1948, ch. 646, § 1, 62 Stat. 948; May 24, 1949, ch. 139, § 92 (b), 63 Stat. 103; Oct. 3, 1964, Pub. L. 88-619, § 5 (a), 78 Stat. 996.)

Editor's Note. — The 1964 amendment rewrote this section.

§ 1742. Repealed. Pub. L. 88-619, § 6 (a), Oct. 3, 1964, 78 Stat. 996.

Federal Rules of Civil Procedure

Rule 44. Proof of official record.

(a) Authentication.

(1) *Domestic.* An official record kept within the United States, or any state, district, commonwealth, territory, or insular possession thereof, or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office.

(2) *Foreign.* A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, (i) admit an attested copy without final certification or (ii) permit the foreign official record to be evidenced by an attested summary with or without a final certification.

(b) Lack of Record.

A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subdivision (a) (1) of this rule in the case of a domestic record, or complying with the requirements of subdivision (a) (2) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry.

(c) Other Proof.

This rule does not prevent the proof of official records or of entry or lack of entry therein by any other method authorized by law.

Editor's Note.—This rule was amended February 28, 1966, effective July 1, 1966. The amendment rewrote the rule.

IV. Extradition

(The following publication, "Application for Requisitions for Fugitives from Justice: Rules and Forms," was issued by the Governor's Office in 1958. Changes have been made therein by the Governor's Office to bring the publication up to date as of December 4, 1961. This publication and the following Form of Rendition Warrant and Form of Agent's Commission and Return supersede the rules and forms in the Recompiled Volume, pp. 213 to 215.)

Introduction.

Prior to 1937 the Executive Department in this State established rules for the extradition of criminals, but in that year the General Assembly enacted a uniform extradition law which made unnecessary all rules by executive order. The following forty-three (43) states have also adopted the Uniform Extradition Act:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Iowa
Kansas
Maine
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
West Virginia
Wisconsin
Wyoming

The rules and forms included in this publication have been prepared for the use of solicitors and other officials who have occasion to apply to the Governor of North Carolina, asking that he make requisition upon the governor of another state for the extradition of fugitives from justice and other persons subject to extradition.

The application for requisition and accompanying papers filed with this office must be in substantial conformity with these rules and forms; otherwise the requested requisition will not be issued.

While the requirements set forth herein will be found to be more detailed and extensive than those of the Uniform Extradition Act, it has been found from experience that some states are very particular in the requirements which they think should be met before a requisition for extradition will be honored. These rules and forms have accordingly been drawn to satisfy the requirements of the most demanding states, in order that there may be no risk of a refusal by another state to grant extradition to North Carolina on the ground of some technical deficiency in the papers accompanying the Governor's requisition.

Where the application for requisition and the accompanying papers are found by this office to be in order and the Governor deems the case a proper one for extradition, this office will prepare and the Governor will issue (1) a requisition upon the governor of the asylum state, asking that the subject be delivered into the custody of the agent of this state in order that he may be brought to North Carolina, and (2) an agent's commission, authorizing the extradition agent to go to the asylum state, receive custody of the subject, bring him to North Carolina, and deliver him to the proper authorities in this state.

1. Where subject is wanted for trial.
    - a. Application.
    - b. Supporting documents.
    - c. Special affidavit.
    - d. Additional affidavits.
2. Where subject escapes custody.
3. Probationers.
4. Naval or Marine personnel.
5. Renewal of application.
6. Nonsupport cases.
7. Additional agents.
8. Agent must await notice.
9. Return of commission.
10. Costs and expenses.
    - a. When state pays.
    - b. When county pays.
    - c. Expenses allowed.
11. Expense accounts.

APPENDICES.

I. United States statute concerning requisitions.
II. Extradition fees.
III. Forms to be followed where no indictment has been found.
IV. Forms to be followed where indictment has been found.
V. Forms to be followed for return of escaped prisoners.
VI. Waiver of extradition form.
VII. Expense account forms (Recommended).

Rules Concerning Applications For Requisition.

1. **Where subject is wanted for trial**: In requesting the extradition of a fugitive from justice (or other person subject to extradition) from another state to North Carolina for trial, the following documents must be transmitted to the Governor of North Carolina:

a. **Application**: Application for requisition, made by the solicitor for the solicitorial district wherein the offense was allegedly committed. The application and supporting documents must be submitted in duplicate (triplicate in case requisition is to be made on West Virginia, Texas, New Jersey, or Pennsylvania). The following must appear by the solicitor's application for requisition of a person wanted for trial in North Carolina:[1]

(1) The full name of the subject for whom extradition is asked, properly spelled, in Roman capital letters, for example: JOHN DOE.

(2) That in his opinion the ends of public justice require that the subject be brought to this state for trial.

(3) That he believes that he has sufficient information to secure the conviction of the subject.

(4) The *name* and *address* of the agent proposed to receive custody of the subject and escort him to North Carolina, and that the person recommended is a proper person and has no private interest in the arrest and conviction of the subject.

(5) If there has been any former application for a requisition for the same person growing out of the same transaction, it must be so stated, with an explanation of the reason for the present request, together with the date of such prior application as near as may be.

(6) If the subject is known to be under either civil or criminal arrest in the state or territory in which he is alleged to be, the fact of such arrest and the nature of the proceedings on which it is based, the place where he is in custody, and the name of the officer who has custody of him, must be stated, if known.

(7) That the application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever, and that if the requisition applied for be granted, the criminal proceeding will not be used for any of said objects.

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[1] Appropriate modifications should be made where subject has escaped from custody after trial or has violated the terms of his bail or probation. See Sections 2 and 3, and the forms printed in the Appendix to these rules.

(8) The nature of the crime charged (with a reference where practicable to the particular statute defining and punishing the same), and the approximate time, place, and circumstances of its occurrence. If the subject was in North Carolina at the time the crime was allegedly committed and has since fled the State, that fact must be stated. If, on the other hand, the subject committed an act while in another state which intentionally resulted in a crime in North Carolina and is now in the state upon which requisition is asked, and fact must likewise be stated.

(9) If the offense charged is not of recent occurrence, a satisfactory reason must be given for the delay in making the application.

The application must be verified by the officer who makes it before the clerk of the superior court of the county wherein the crime allegedly occurred or the subject escaped confinement or violated the terms of his probation or bail. To this verification must be attached the certificate of the clerk of court as to the official character of the solicitor or other officer making the application, the certificate of a judge of superior court as to the official character of the clerk, and the certificate of the clerk as to the official character of the judge. (The certificates of the clerk and that of the judge may be combined with their certificates as to other matters in connection with the supporting documents. See Appendix III).[2]

b. **Supporting documents:** Two certified copies of (1) the indictment returned, or (2) the complaint or affidavit made before a judge or magistrate, stating the offense with which the subject is charged, together with two certified copies of any warrant[3] which was issued thereon, must be attached to the application. A capias alone will *not* suffice. Where a warrant accompanies the application, the official character of the official who took the affidavit or complaint and issued the warrant must be certified by the clerk of the superior court of the county wherein the crime allegedly occurred. The official character of the clerk must be certified by a judge of the superior court, and the official character of the judge must be certified by the clerk.

The authenticity of the copies of the indictment or of the complaint or affidavit and the warrant must be certified by the clerk having custody of the original records; or in the case of a complaint or affidavit and warrant, it may be certified by the judge or magistrate who took the complaint or affidavit and issued the warrant. The official character of the magistrate or judge must be certified by the clerk of superior court, that of the clerk by the judge, and that of the judge by the clerk.

Where the supporting document is a complaint or affidavit made before a judge or magistrate, the warrant must be filled out and directed to a *North Carolina* officer, even if the subject is known to be in another state. The judge or magistrate issuing the warrant has no authority to order an arrest to be made by an officer of another state, and where the warrant is directed to an officer outside of North Carolina, the asylum state may refuse to honor the accompanying requisition of the Governor of North Carolina.

The indictment or the affidavit or complaint made before the magistrate must substantially charge the person demanded with having committed a crime under the laws of North Carolina.

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[2] While the Uniform Extradition Act requires no certification of the application for requisition beyond the verification by the solicitor, it is considered advisable to attach the clerk's and judge's certificates because some states refuse to honor a requisition when these certificates are not attached to the application for requisition.

[3] *Note* that a clerk of superior court *cannot* issue a warrant charging a crime triable in Superior Court unless he is also clerk of a recorder's court and issues the warrant in his capacity as clerk of recorder's court.

c. **Special affidavit:** In all cases of fraud, false pretense, embezzlement, or forgery, when made a crime by the common law or any penal code or statute, there must be included the affidavit of the principal complaining witness or informant (1) that the application is made in good faith, for the sole purpose of punishing the accused, and (2) that he does not desire or expect to use the prosecution for the purpose of collecting a debt or for any private purpose, and will not directly or indirectly use the same for any of said purposes, or a sufficient reason must be given for the absence of such affidavit.

d. **Additional affidavits:** The solicitor may attach to his application for requisition such additional affidavits as he may think necessary.

2. **Where subject escapes custody:** Where it is necessary to extradite a person who has been convicted of any crime and has thereafter escaped to another state, the application for requisition may be made by the solicitor or by the jailer, sheriff, or other officer from whose custody the subject escaped. The application in such case shall be accompanied by two certified copies of each of (a) the indictment (or the warrant, if the subject was tried on the warrant), (b) the judgment of conviction and sentence upon which the person was being held at the time of his escape, and (c) the affidavit of the officer from whose custody he escaped, showing such escape and the circumstances attending the same. The authenticity of the indictment (or warrant) and the record of conviction and sentence upon which the person is being held must be certified by the clerk have custody of the original records, and the character of the official making affidavit as to the subject's escape must be certified by the clerk of superior court. The official character of the certifying clerk must be certified by a judge of superior court, and that of the judge by the clerk.

3. **Probationers:** Where it is necessary to bring back to North Carolina a person on probation who has violated the terms of his probation and left the State, the application for requisition and accompanying papers may be prepared by the State Probation Commission and forwarded to the solicitor of the district which embraces the county wherein the subject was serving his probation, or they may be prepared by the solicitor himself if he prefers.

4. **Naval or Marine personnel:** Where it is desired to requisition a person who is on active duty with the Navy or Marine Corps, it is necessary that the requisition also be accompanied by an agreement by proper authorities (a) that the commanding officer of the subject will be informed of the outcome of any trial, and (b) that if the naval or marine authorities desire his return, the subject will, on acquittal or completion of sentence, (1) be returned to the naval or marine authorities at the place of delivery, or (2) be issued transportation to the nearest receiving ship, station, or barracks at the expense of the authority asking requisition. In all cases where the costs and expenses incident to requisition would be borne by the county (i. e., where the crime charged is a misdemeanor *or* where no requisition is issued), the solicitor or other officer making application for requisition must prepare and execute an agreement to this effect. If the crime is a felony *and* a requisition is issued by the Governor's Office, then the agreement will be prepared and executed by the Governor. The agreement may take the form of a letter to the Secretary of the Navy, setting out the required promises.

5 **Renewal of application:** Upon renewal of an application (for example, where prior requisition has proved ineffective because the subject was not to be found in the state upon which requisition was made), new or re-certified copies of papers in conformity with these rules must be furnished.

6. **Nonsupport cases:** Every state in the union has now adopted the Uniform Reciprocal Enforcement of Support Act, and it is hoped that every state will

proceed along this line first; and if unsuccessful, then start extradition proceedings through the Governor's Office. Of course, this is to be used only in abandonment and nonsupport cases. Whenever a requisition is issued for the return of a man on a charge of nonsupport, Arkansas, California, Delaware, Idaho, Kansas, Kentucky, Michigan, Missouri, New Jersey, New Mexico, Ohio, Pennsylvania, Virginia, and West Virginia, before honoring this type of requisition, ask this office whether the Uniform Reciprocal Enforcement of Support Act (G.S. 52A-1 et seq.) has been used before submitting the requisition in question. The solicitor should consider using this method before making application to this office for requisition upon either of those states. If this procedure has been used and has proved ineffective, that fact should be stated in the application for requisition.

7. **Additional agents:** When it is deemed necessary for more than one extradition agent to be designated to escort a subject from another state to this State in a case of felony, the solicitor or other officer making application must file with his written application for requisition an affidavit setting forth in detail the reasons why it is necessary to have more than one extradition agent so designated. Among other things (but not by way of limitation), the affidavit must set forth whether or not the subject is a dangerous person, his previous criminal record (if any), and any record of the subject on file with the Federal Bureau of Investigation or with the prison authorities of this State. As a further reason for more than one extradition agent to be designated, it may be shown in the affidavit the number of subjects to be brought to this State. If the Governor finds from his own investigation and from the information made available to him that more than one extradition agent is necessary, he may designate more than one extradition agent for the purpose.

8. **Agent must await notice:** The agent or agents named in the requisition should not go to the state on which demand is made until action has been taken by the governor of that state and the agent is so notified by the office of the Governor of North Carolina or proper authorities of the state on which the demand is being made. The State of North Carolina will *not* be liable for any expenses incurred by the agent or agents in the way of travel and subsistence costs prior to the date action is taken by the governor of the state on which the demand is made.

9. **Return of commission:** Immediately after the agent has completed his assignment by delivering the subject to the proper officer in North Carolina, he must make return on the form printed on the back of his commission, and must have the officer into whose custody the subject was delivered fill in and sign the accompanying receipt. If the subject is not taken into custody and brought back to North Carolina by the agent, he must make return of that fact and the reasons therefor on the back of his commission. The agent's commission must be returned to the Governor's Office with proper return made thereon before the agent will be reimbursed by this office for his expenses.

10. **Costs and expenses:**

a. **When State pays:** If the crime charged against the subject is a felony and requisition is issued by the Governor of North Carolina, reimbursement for expenses incurred in bringing the subject to this State will be made out of the State Treasury on certificate of the Governor and warrant of the State of North Carolina signed by the State Disbursing Officer. The State will *not* be responsible for any expense in connection with the return of persons charged with felonies *unless* requisition is actually issued by the Governor of North Carolina, whether or not it is used. If the Governor's requisition is issued but thereafter extradition is waived by the subject, a copy of the waiver should be sent to this office, together with the agent's commission.

b. **When county pays:** In all other cases (i. e., where the crime charged is a misdemeanor, or where, though a felony is charged, no requisition is issued by the Governor), reimbursement will be made out of the treasury of the county wherein the crime is alleged to have been committed, according to such regulations as the board of county commissioners of that county may promulgate. *The State will not pay for expenses in connection with a hearing held on the original county fugitive warrant.* If the asylum state is informed of the fact that extradition papers are pending in the Governor's office, the sheriff or custodian of the fugitive will according to law hold the fugitive at least 30 days, and most likely will see that the hearing on the original county fugitive warrant is postponed until they receive the warrant from the Governor of the state in question.

c. **Expenses allowed:** If the extradition agent or agents or person or persons designated to return a fugitive or fugitives from another State to this State shall elect to travel by automobile, a sum not to exceed seven cents (*7¢*) per mile may be allowed in lieu of all travel expense, and will be paid upon a basis of mileage for the complete trip. If travel is by train, bus, or other public conveyances, the actual fare is allowed. This will include Pullman fare. If a county or city-owned car is used, only ordinary auto expenses, such as gas and oil, will be allowed. No expenses for witnesses are allowed. The maximum allowance by the State of North Carolina for out-of-State expenses for hotel and meals is actual cost, not to exceed $14.00 per day for each person, including the fugitive. In all cases, the expenses for which repayment or reimbursement may be claimed shall consist of the reasonable and necessary travel expense and subsistence costs of the extradition agent or fugitive officer, as well as the fugitive, subject to the limitations indicated above, together with such legal fees as were paid to the officials of the state on whose governor the requisition is made. North Carolina is reciprocal as far as requisition fees are concerned. The Governor's Office pays requisition fees in cases of felonies only; in cases of misdemeanors, the county is responsible for payment of requisition fees.

11. **Expense Accounts:** Expense accounts must be submitted to the Governor's Office in duplicate. The person or persons designated to return the fugitive will not be reimbursed for any expenses in connection with any requisition or extradition proceeding unless the expenses are itemized and the statement thereof sworn to under oath, and will not then be reimbursed unless a receipt is obtained showing the amount, the purposes for which each item or sum was expended, the place, date, and to whom paid, and the receipt or receipts are attached to the sworn statement and filed with the Governor. The Governor has the authority, upon investigation, to increase or decrease any item or expenses shown in the sworn statement, or to include items of expenses omitted by mistake or inadvertence. The decision of the Governor as to the correct amount to be paid for such expenses or reimbursements is final. At the time the expense account is filed, the agent must return his commission with the proper return made thereon, in order to be reimbursed by this office for his expense. (See recommended copy of travel voucher to be used by agents in submitted expense accounts in connection with felonies under appendix VII.)

Appendix I.

United States Statutes Concerning Requisitions for Fugitives from Justice.

Title 18, United States Code Annotated, Sec. 3182. Fugitives from State or Territory.—Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any

State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, the executive authority of the State, District or Territory to which such person has fled to cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.

Appendix II.

Extradition Fees Required by Various States.

Alabama	None
Arizona	$5.00
Arkansas	None
California	None
Colorado	$5.00
Connecticut	None
Delaware	None
Florida	*
Georgia	*
Idaho	*
Illinois	$2.00
Indiana	None
Iowa	$5.00
Kansas	$5.00
Kentucky	$5.00
Louisiana	*
Maine	None
Maryland	$2.00
Massachusetts	None
Michigan	*
Minnesota	None
Mississippi	None
Missouri	$2.50
Montana	$5.00
Nebraska	*
Nevada	None
New Hampshire	$1.00
New Jersey	None
New Mexico	$3.00
New York	None
North Carolina	*
North Dakota	$5.00
Ohio	None
Oklahoma	$2.50
Oregon	None
Pennsylvania	$3.00
Rhode Island	None
South Carolina	None
South Dakota	$3.00
Tennessee	None
Texas	$1.00
Utah	$5.00
Vermont	None
Virginia	$4.00
Washington	None
West Virginia	$2.00
Wisconsin	None
Wyoming	$5.00

Appendix III.

Forms To Be Followed Where No Indictment Has Been Found.

(Application and accompanying papers must be submitted in duplicate.)

STATE OF NORTH CAROLINA APPLICATION FOR REQUISITION
COUNTY OF ....

.........................., Solicitor of the .... Solicitorial District of North Carolina, hereby makes this verified application for the requisition of ...., and in support of such application, the said Solicitor hereby shows the following facts:

1. That the name of the person for whom requisition is asked is ....

2 That in his opinion, the ends of public justice require that the subject be arrested and brought to the State of North Carolina for trial at the public expense.

---

*Fee determined on reciprocal basis. As North Carolina also determines extradition fees charged other states on a reciprocal basis, we are charged no fees by these states.

3. That he believes that he has sufficient evidence to secure the conviction of the subject.

4. That the name of the agent proposed to receive the subject from the proper authorities of the State of .... and bring him to the State of North Carolina for trial is ....; and that the person named as agent is a proper person and that he has no private interest in the arrest and conviction of the subject.

5. That there has been no former request for the requisition of the subject growing out of the same transaction herein alleged. (Note: If there has been any former application for requisition of the same person growing out of the same transaction, it must be so stated, together with the date of such prior application(s) as near as may be, and with an explanation of the reasons for the present request.)

6. That the subject is now in the State of ...., and in the custody of ....

7. That this application is not made for the purpose of collecting a debt or enforcing a private claim, or for any private purpose whatever, and that if the requisition applied for be granted, the criminal proceeding will not be used for any of said objects.

8. That the extradition of the subject to the State of North Carolina is hereby requested for the purpose of trial on the charge of committing the crime of ...., as set forth in the warrant hereto issued against him as per duplicate copies hereto attached.

[That the alleged crime was committed in ...., North Carolina, on or about the .... day of ...., 19..; and that the subject was present in ...., North Carolina, at the time of the commission of the alleged crime, and thereafter the subject fled from the State of North Carolina]. *

9. That this application was made as soon as the subject could be located.

10. That this application is verified by ...., Solicitor as aforesaid, and is executed in duplicate and is accompanied by certified copies of the warrant heretofore issued against the said subject by ...., a duly appointed, qualified, and acting ....

Verified this the .... day of ...., 19.....

....
Solicitor
of the ....
Solicitorial District of
North Carolina.

Sworn to and subscribed before me, this
the .... day of ...., 19...

....
Clerk of Superior Court of
.... County, North Carolina.

....

(Here attach duplicate copies of warrant and of affidavit or complaint on which it was issued, each copy being certified as follows):

---

*If requisition is sought under G.S. 15-60, a statement in the following form should be substituted for the bracketed sentence above: "That the subject insofar as is known, was *not* in the State of North Carolina at the time of the commission of the crime of which he is charged and has not since that time fled from this State, but that this requisition is sought under Section 6 of the Uniform Extradition Act (G.S. 15-60), which your applicant is informed has been adopted by the State of ......; and that the subject, while in the State of ...., committed an act, to wit, ..., which intentionally resulted in the commission of a crime, to wit, ..., in the State of North Carolina."

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., a duly appointed, qualified and acting Justice of the Peace of .... County, North Carolina, do hereby certify that the foregoing is a true and correct copy of (1) the warrant issued by me on ...., 19...., against ...., charging the said ...., with the crime of ...., and (2) the affidavit on which the warrant was issued.

IN TESTIMONY HEREOF, I have hereunto set my hand, this the .... day of ...., 19....

....
Justice of Peace of ....
County, North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Clerk of the Superior Court of .... County, North Carolina, a court of record, do hereby certify:

1. That .... is Solicitor of the .... Solicitorial District of North Carolina; and that the attached application for the requisition of .... has been signed, ... by Solicitor as aforesaid;

2. That ...., whose genuine signature appears upon the foregoing certificate and warrant, was a duly appointed, qualified and acting Justice of the Peace of .... County, North Carolina, at the time the said warrant was issued and the certificate executed.

3. That the attached warrant and affidavit, charging .... with the crime of ...., is a true and correct copy of the warrant issued by the said ...., Justice of the Peace as aforesaid, on ...., 19...., and of the affidavit on which it was issued.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of my said office, this the .... day of ...., 19....

....
Clerk of Superior Court of
.... County,
North Carolina.

(Seal of Court)

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Resident (or Presiding) Judge of the .... Judicial District of North Carolina, embracing the County of ...., do hereby certify that ...., whose name is subscribed to the foregoing and annexed certificate, is Clerk of the Superior Court of .... County North Carolina, duly elected and sworn, and that full faith and credit are due his official acts. I further certify that the seal affixed to said certificate is the seal of said Court and the exemplification is authenticated in due form and by proper officer and in his own handwriting, and in such a form and manner that it would be received in any Court in this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand at ...., North Carolina, this the .... day of ...., 19....

....
Resident (or Presiding Judge) of the
.... Judicial District
of North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Clerk of the Superior Court of .... County, North Carolina, do hereby certify that ...., whose name is subscribed to the foregoing certificate is the Resident (or Presiding) Judge of the Superior Courts of the .... Judicial District embracing the County of ...., duly elected and sworn, and that the signature of said Judge to the said certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said Court at ...., North Carolina, this the .... day of ...., 19.....

(Seal of Court)

....
Clerk of the Superior Court of
.... County,
North Carolina.

Appendix IV.

Forms To Be Followed Where Indictment Has Been Found.

(Application and accompanying papers must be submitted in duplicate.)

STATE OF NORTH CAROLINA
COUNTY OF .... APPLICATION FOR REQUISITION

...................., Solicitor of the .... Solicitorial District of North Carolina, hereby makes this verified application for the requisition of ...., and in support of such application, the said Solicitor hereby shows the following facts:

1. That the name of the person for whom requisition is asked is ....

2. That in his opinion, the ends of public justice require that the subject be arrested and brought to the State of North Carolina for trial at the public expense.

3. That he believes that he has sufficient evidence to secure the conviction of the subject.

4. That the name of the agent proposed to receive the subject from the proper authorities of the State of .... and bring him to the State of North Carolina for trial is ....; and the person named as agent is a proper person and that he has no private interest in the arrest and conviction of the subject.

5. That there has been no former request for the requisition of the subject growing out of the same transaction herein alleged.

(Note: If there has been any former application for requisition of the same person growing out of the same transaction, it must be so stated, together with the date of such prior application(s) as near as may be, and with an explanation of the reasons for the present request.)

6. That the subject is now in the State of ...., and in custody of ....

7. That this application is not made for the purpose of collecting a debt or enforcing a private claim, or for any private purpose whatever, and that if the requisition applied for be granted, the criminal proceedings will not be used for any of said objects.

8. That the extradition of the subject to the State of North Carolina is hereby requested for the purpose of trial on the charge of committing the crime of ...., as set forth in the indictments heretofore found against him on the .... day of ...., 19...., by the grand jurors for the State of North Carolina in and for the County of ...., attending the Superior Court of the said county,

which indictment is now pending against the subject, and duplicate original copies of which indictment are hereto attached.

[That the alleged crime was committed in ...., North Carolina, on or about the .... day of ...., 19...., and that the subject was present in ...., North Carolina, at the time of the commission of the alleged crime, and thereafter the subject fled from the State of North Carolina.]*

9. That this application was made as soon as the subject could be located.

10. That this application is verified by ...., Solicitor as aforesaid, and is executed in duplicate and is accompanied by certified copies of the indictment heretofore found against the said subject by the grand jurors for the State of North Carolina in and for the County of ...., attending the Superior Court of said county, which indictment is now pending against the subject.

Verified this the .... day of ...., 19...

....
Solicitor of the
.... Solicitorial District
of North Carolina.

Sworn and subscribed before me, this
the .... day of ...., 19..

....
Clerk of Superior Court of
.... County, North Carolina.

(Here attach duplicate copies of the indictment, each copy being certified as follows:)

STATE OF NORTH CAROLINA
COUNTY OF ....
CERTIFICATE

I, ..., Clerk of the Superior Court of .... County, North Carolina, a court of record, do hereby certify:

1. That .... is Solicitor of the .... Solicitorial District of North Carolina; and that the attached application for the requisition of .... has been signed by ...., Solicitor as aforesaid;

2. That the indictment hereto attached is a true and correct copy of an indictment against ...., found to be a true bill on the .... day of ...., 19.., by the grand jurors for the State of North Carolina, in and for the County of ...., attending the Superior Court of the said county; that the original indictment is on file in my office; and that the said indictment is now pending against the said ....

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said court, this .... day of ...., 19.....

(Seal of court)

....
Clerk of Superior Court of
.... County,
North Carolina.

---

*If requisition is sought under G.S. 15-60, a statement in the following form should be substituted for the bracketed sentence above: "That the subject insofar as is known, was not in the State of North Carolina at the time of the commission of the crime of which he is charged and has not since that time fled from this State, but that this requisition is sought under Section 6 of the Uniform Extradition Act (G.S. 15-60), which your applicant is informed has been adopted by the State of ...., and that the subject, while in the State of ...., committed an act, to w.., ..., which intentionally resulted in the commission of a crime, to wit, ..., in the State of North Carolina."

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Resident (or Presiding) Judge of the .... Judicial District of North Carolina, embracing the County of ...., do hereby certify that ...., whose name is subscribed to the foregoing and annexed certificate, is Clerk of the Superior Court of .... County, North Carolina, duly elected and sworn, and that full faith and credit are due his official acts. I further certify that the seal affixed to said certificate is the seal of said Court and the exemplification is authenticated in due form and by proper officer and in his own handwriting, and in such a form and manner that it would be received in any Court in this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand at ...., North Carolina, this the .... day of ...., 19....

....
Resident (or Presiding) Judge of the .... Judicial District of North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Clerk of the Superior Court of .... County, North Carolina, do hereby certify that .... whose name is subscribed to the foregoing certificate is the Resident (or Presiding) Judge of the Superior Courts of the .... Judicial District embracing the County of ...., duly elected and sworn, and that the signature of said Judge to the said certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said Court at ...., North Carolina, this the .... day of ...., 19....
(Seal of Court)

....
Clerk of the Superior Court of .... County, North Carolina.

Appendix V.

Forms To Be Followed for Return of Escaped Prisoners.

(Note: These forms, with appropriate modifications, should also be used when applying for requisition of persons who have violated probation.)

(Application and accompanying papers must be submitted in duplicate.)

STATE OF NORTH CAROLINA
COUNTY OF .... APPLICATION FOR REQUISITION

........................, Solicitor of the .... Solicitorial District of North Carolina (or other proper title), hereby makes this verified application for the requisition of ...., fugitive from justice, and in support of such application, the said Solicitor hereby shows the following facts:

1. That the name of the person for whom requisition is asked is ....

2. That in his opinion, the ends of public justice require that the subject be arrested and brought to the State of North Carolina at the public expense.

3. That the name of the agent proposed to receive the subject from the proper authorities of the State of .... and bring him to the State of North Carolina for trial is ....;

and that the person named as agent is a proper person and that he has no private interest in the arrest and conviction of the subject.

4. That there has been no former request for the requisition of the subject growing out of the same transaction herein alleged.

(Note: If there has been any former application for requisition of the same person growing out of the same transaction, it must be so stated, together with the date of such prior application(s) as near as may be, and with an explanation of the reasons for the present request.)

5. That the subject is now in the State of ...., and in the custody of ....

6. That this application is not made for the purpose of collecting a debt or enforcing a private claim, or for any private purpose whatever, and that if the requisition applied for be granted, the criminal proceedings will not be used for any of said objects.

7 That the said subject is charged with escaping from .... without having completed his sentence, after having been convicted of .... , and sentenced to .... in ....

8. That this application was made as soon as the subject could be located.

9. That this application is verified by ...., Solicitor (or other proper title) as aforesaid, and is executed in duplicate and is accompanied by certified copies of the indictment * found against the subject, the judg- warrant) and judgment attached; that the said subject was accordingly confined ment of conviction and sentence upon which he was being held at the time of his escape, and the affidavit of the officer from whose custody he escaped, showing such escape and the circumstances attending the same.

Verified this the .... day of ...., 19.....

....
Solicitor of the ....
Solicitorial District of North Carolina.
(or other proper title).

Sworn to and subscribed before me,
this the ...... day of ......, 19...

....
Clerk of Superior Court of
.... County,
North Carolina.

(Form of affidavit to be made in duplicate by Solicitor or by officer from whose custody the prisoner escaped.)

STATE OF NORTH CAROLINA
COUNTY OF .... AFFIDAVIT

This day ...., personally appeared before me, ..., Clerk of the Superior Court of .... County, North Carolina, and after first being duly sworn, stated that in the .... Court for the County (City) of ...., in the State of North Carolina, on the .... day of ...., 19...., the subject, ..., was convicted of ...., and was sentenced to confinement in the ...., for a term of ...., as shown by certified copy of the indictment (or in the .... from which he escaped on the .... day of ...., 19...., without having completed his sentence;

---

*Where the subject has been tried upon the warrant (rather than upon an indictment), certified copies of the warrant should be attached in lieu of the indictment.

and that the said subject is now in the State of .... and in the custody of ....

....
(Name and official title of officer making affidavit).

Sworn to and subscribed before me,
this the ...... day of ......, 19...
....
Clerk of Superior Court of
.... County,
North Carolina.

(Here attach duplicate copies of the indictment * and the judgment of conviction and sentence, certified as follows:)

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ... Clerk of the Superior Court of .... County, North Carolina, a court of record. do hereby certify:

1. That .... is Solicitor of the .... Solicitorial District of North Carolina; and that the attached application for the requisition of .... has been signed by ...., Solicitor as aforesaid.

2. That the attached copy of an indictment * is a true and correct copy of an indictment against the subject, found to be a true bill on the .... day of ...., 19...., by the grand jurors of the State of North Carolina in and for the County of ...., attending the Superior Court of the said county; that the indictment is now pending against the said ....; and that the original indictment is on file in my office.

3. That the attached copy of a judgment of conviction and sentence is a true and correct copy of a judgment rendered against the subject in the .... Court of .... County (City) on the .... day of ...., 19....; and that the original judgment is on file in my office.

4. That .... is Solicitor of the .... Solicitorial District of North Carolina (or other proper title); and that the attached affidavit regarding the escape of the subject from confinement was signed by the said ...., Solicitor (or other proper title) as aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of my said office, this the .... day of ...., 19.....

(Seal of Court)

....
Clerk of Superior Court of
.... County,
North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF .... CERTIFICATE

I, ..., Resident (or Presiding) Judge of the .... Judicial District of North Carolina, embracing the County of ...., do hereby certify that ...., whose name is subscribed to the foregoing and annexed certificate, is Clerk of the Superior Court of .... County, North Carolina, duly elected and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to said certificate is the seal of said Court and the exemplification is authenticated in

---

*Where the subject has been tried upon the warrant (rather than upon an indictment), certified copies of the warrant should be attached in lieu of the indictment.

due form and by proper officer and in his own handwriting, and in such a form and manner that it would be received in any Court in this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand at ...., North Carolina, this the .... day of ...., 19.....

....
Resident (or Presiding) Judge of the
.... Judicial District
of North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF ....

CERTIFICATE

I, ..., Clerk of the Superior Court of .... County, North Carolina, do hereby certify that ...., whose name is subscribed to the foregoing certificate is the Resident (or Presiding) Judge of the Superior Courts of the .... Judicial District embracing the County of ...., duly elected and sworn, and that the signature of said Judge to the said certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said Court at ...., North Carolina, this the .... day of ...., 19...

(Seal of Court)

....
Clerk of the Superior Court of
.... County North Carolina.

Appendix VI.

Waiver of Extradition Form.

STATE OF ....
COUNTY OF ....

WAIVER OF EXTRADITION

......................, having been arrested in this State and charged with having committed the crime of .... in the County of .... in the State of ...., does hereby voluntarily waive the issuance and service of warrants provided for in Sections 15-61 and 15-62 of the North Carolina General Statutes, and all other procedure incidental to extradition, and does further state personally before the undersigned Judge that he consents to return to the demanding State upon the arrival of authorities from said demanding States, and does thus waive extradition.

Witness my hand and seal, this .... day of ...., 19.....
.... (SEAL)

I, ..., Judge of .... Court of .... County (City), State of ...., the same being a court of record, do hereby certify that ...., appeared personally before me this day and acknowledged signing the above waiver of extradition, after being informed by me of his legal rights with respect thereto.

Witness my hand and seal of the court this .... day of ...., 19.....

....
Judge, ... Court of ....
County,
State of ....

Appendix VII.

Expense Account Forms (Recommended).

FRONT

STATE OF NORTH CAROLINA

VOUCHER FOR REIMBURSEMENT OF TRAVEL AND OTHER EXPENSES, INCLUDING PER DIEM

Date 196
TRAVEL AUTHORIZATION No.

Department
or
Institutions

To (name payee, position, headquarters, address, etc)

For reimbursement of travel and other expenses incurred in the discharge of official duty from ...., 196 , to ...., 196 , as itemized on the within statement and as authorized by the attached Travel Authorization No. .... dated ...., 196 , in the sum of .... Dollars ($..........).

The expense account and the itemization within are just and true in all respects, the distances for which charge is made have been actually and necessarily traveled and the expenses are incurred in the services of the State.

....

Sworn to and subscribed to before me
the .... day of ...., 196 .
....

BACK

ITEMIZED SCHEDULE OF TRAVEL AND OTHER EXPENSES MONTH OF .... 19..

Day	Itemized by Places and Movement, Day by Day and by Kind of Expense	Subsistence	Transportation	Other	Automobile Mileage		
					Miles	Amount	Total

FORM OF RENDITION WARRANT

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,

To the Sheriff or other Officer of the State of North Carolina to whom these Presents shall come—Greeting:

Whereas, It has been represented to me by the Governor of .... that .... stand .... charged with the crime of .... which he certifies to be a crime under the laws of said State, committed in the County of .... in the said State, and ha.... taken refuge in the State of North Carolina, and the said Governor of .... having, in pursuance of the Constitution and Laws of the United States, demanded of me that I shall cause the said .... to be arrested and delivered to ...., who is duly authorized to receive .... into his custody and convey .... back to the said State of ....

And Whereas, The said representation and demand is accompanied by ...., whereby the said .... shown to have been duly charged with the said crime, and with having fled from said State of ...., and taken refuge in the State of North Carolina, which .... duly certified by the said Governor of .... to be authentic and duly authenticated;

Therefore, You are hereby required to arrest and secure the said .... wherever ...... may be found within the State of North Carolina, and afford .... such opportunity to sue out a writ of Habeas Corpus as is prescribed by the laws of this State and to thereafter deliver ...... into the custody of the said .... to be taken back to the said State, from which .... fled, pursuant to the said requisition; and also to return this warrant and make return to the Governor of North Carolina within thirty days from the date hereof, of all your proceedings had thereunder, and of all the facts and circumstances relating thereto.

In Witness Whereof, I have hereunto signed my name and affixed the Great Seal of State, at the Capitol in the City of Raleigh, this .... day of .... in the year of our Lord one thousand nine hundred and ...... and in the one hundred and .... year of our American Independence.

....

Governor

By the Governor:

....

Private Secretary
Executive Clerk

FORM OF AGENT'S COMMISSION AND RETURN

The Governor of the State of North Carolina,

To all Men to Whom These Presents May Come—Greeting:

Know All Men, That I, ... Governor of the State of North Carolina, by virtue of authority in me vested by the Constitutions and Laws of the State of North Carolina and .... and in pursuance thereof, do hereby authorize, commission and appoint .... Agent of the State of North Carolina to convey .... to the County .... therein, to be dealt with according to law.

In Witness Whereof, I have hereunto signed my name and affixed the Great Seal of State, at the Capitol in the City of Raleigh, this .... day of .... in the year of our Lord one thousand nine hundred and .... and in the one hundred and .... year of our American Independence.

....

Governor

By the Governor:

....

Private Secretary
Executive Clerk

State of North Carolina
County of ....

I hereby certify that I have executed the within commission by going after, receiving from the proper authorities of the State of ...., and returning .... the fugitive named therein, and delivering him to the proper authorities at ...., as authorized and empowered therein, this the .... day of ...., 19...

....
Agent of the State of North Carolina

I hereby certify that I received from ...., Agent of the State of North Carolina, named in the within Commission, the fugitive .... at ...., this the .... day of ...., 19.....

....
....

V. Naturalization

Chapter 12.

Immigration and Nationality.

Subchapter III. Nationality and Naturalization

Part I. Nationality at Birth and Collective Naturalization

Sec.

1401a. Birth abroad before 1952 to service parent.

1401b. Physical presence in the United States: absences of less than twelve months in the aggregate.

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1440. Naturalization through active-duty service in Armed Forces during World War I or World War II or the Korean hostilities.

1456. [Repealed.]

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1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions.

SUBCHAPTER III. NATIONALITY AND NATURALIZATION.

PART I. NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION

§ 1401a. Birth abroad before 1952 to service parent.

Section 1401 (a) (7) of this title shall be considered to have been and to be applicable to a child born outside of the United States and its outlying possessions after January 12, 1941, and before December 24, 1952, of parents one of whom is a citizen of the United States who has served in the Armed Forces of the United States after December 31, 1946, and before December 24, 1952, and whose case does not come within the provisions of section 201 (g) or (i) of the Nationality Act of 1940. (Mar. 16, 1956, ch. 85, 70 Stat. 50.)

§ 1401b. Physical presence in the United States; absences of less than twelve months in the aggregate.

In the administration of section 1401 (b) of this title, absences from the United States of less than twelve months in the aggregate, during the period for which continuous physical presence in the United States is required, shall not be considered to break the continuity of such physical presence. (Pub. L. 85-316, § 16, Sept. 11, 1957, 71 Stat. 644.)

§ 1407. Persons living in and born in Guam.

(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after August 1, 1950) subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States: *Provided*, That in the case of any person born before August 1, 1950, he has taken no affirmative steps to preserve or acquire foreign nationality.

Editor's Note.—Subsection (b) is set out in the Supplement to supply "hereby" preceding "declared" and to substitute "before" for "after" in the proviso.

As the other subsections were not affected, they are not set out above.

PART II. NATIONALITY THROUGH NATURALIZATION

§ 1421. Jurisdiction to naturalize.

(a) Exclusive jurisdiction to naturalize persons as citizens of the United States is conferred upon the following specified courts: District courts of the

United States now existing, or which may hereafter be established by Congress in any State, District Court of the United States for the District of Columbia and for Puerto Rico, the District Court of the Virgin Islands of the United States, and the District Court of Guam; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdiction of such courts, except as otherwise specifically provided in this subchapter.

(e) Notwithstanding the provisions of section 405(a), any petition for naturalization filed on or after September 26, 1961, shall be heard and determined in accordance with the requirements of this title. (June 27, 1952, ch. 477, title III, ch. 2, § 310, 66 Stat. 239; July 7, 1958, Pub. L. 85-508, § 5, 72 Stat. 351; Mar. 18, 1959 Pub. L. 86-3, § 20(c), 73 Stat. 13; Sept. 26, 1961, Pub. L. 87-301, § 17, 75 Stat. 656.)

Editor's Note. — The 1958 and 1959 amendments changed subsection (a) by deleting the provisions relating to the Territories of Alaska and Hawaii, respectively.

The 1961 amendment added subsection (e).

Only subsections (a) and (e) are set out.

§ 1428. Temporary absence of persons performing religious duties.

Any person who is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or any person who is engaged solely by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States as a missionary, brother, nun, or sister, who (1) has been lawfully admitted to the United States for permanent residence, (2) has at any time thereafter and before filing a petition for naturalization been physically present and residing within the United States for an uninterrupted period of at least one year, and (3) has heretofore been or may hereafter be absent temporarily from the United States in connection with or for the purpose of performing the ministerial or priestly functions of such religious denomination, or serving as a missionary, brother, nun, or sister, shall be considered as being physically present and residing in the United States for the purpose of naturalization within the meaning of section 1427 (a) of this title, notwithstanding any such absence from the United States, if he shall in all other respects comply with the requirements of the naturalization law. Such person shall prove to the satisfaction of the Attorney General and the naturalization court that his absence from the United States has been solely for the purpose of performing the ministerial or priestly functions of such religious denomination, or of serving as a missionary, brother, nun, or sister. (June 27, 1952, ch. 477, title III, ch. 2, § 317, 66 Stat. 243.)

Editor's Note.—This section is set out in the Supplement to correct the cross reference appearing near the end of the first sentence in the original.

§ 1430. Married persons.

(b) Any person, (1) whose spouse is (A) a citizen of the United States, (B) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute, or is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States, and (C) regularly stationed abroad in such employment, and (2) who is in the United States at the time of naturalization, and (3) who declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all the requirements of the naturalization laws, except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required. (June 27, 1952, ch. 477, title III, ch. 2, § 319, 66 Stat. 214; Aug. 20, 1958, Pub. L. 85-697, § 2, 72 Stat. 687.)

Editor's Note.—The 1958 amendment inserted in subsection (b) provisions relating to persons authorized to perform the ministerial or priestly functions of a religious denomination or engaged as a missionary thereof.

§ 1434. Children adopted by citizens.

(c) Any such adopted child (1) one of whose adoptive parents is (A) a citizen of the United States, (B) in the Armed Forces of the United States or in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, or of a public international organization in which the United States participates by treaty or statute or is authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or is engaged solely as a missionary by a religious denomination or by an interdenominational mission organization having a bona fide organization within the United States, and (C) regularly stationed abroad in such service or employment, and (2) who is in the United States at the time of naturalization, and (3) whose citizen adoptive parent declares before the naturalization court in good faith an intention to have such child take up residence within the United States immediately upon the termination of such service or employment abroad of such citizen adoptive parent, may be naturalized upon compliance with all the requirements of the naturalization laws except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required, and paragraph (3) of subsection (a) of this section shall not be applicable. (June 27, 1952, ch. 477, title III, ch. 2, § 323, 66 Stat. 246; Sept. 11, 1957, Pub. L. 85-316, § 11, 71 Stat. 642; Aug. 20, 1958, Pub. L. 85-697, § 1, 72 Stat. 687.)

Editor's Note. — The 1957 amendment added subsection (c) and the 1958 amendment inserted therein the provisions relating to persons authorized to perform the ministerial or priestly functions of a religious denomination or engaged as a missionary thereof. Only this subsection is set out.

§ 1440. Naturalization through active-duty service in Armed Forces during World War I or World War II or the Korean hostilitics.

(a) Requirements.

Any person who, while an alien or a noncitizen national of the United States, has served honorably in an active-duty status in the military, air, or naval forces of the United States during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or during a period beginning June 25 1950, and ending July 1, 1955, and who, if separated from such service, was separated under honorable conditions, may be naturalized as provided in this section if (1) at the time of enlistment or induction such person shall have been in the United States, the Canal Zone, American Samoa, or Swains Island, whether or not he has been lawfully admitted to the United States for permanent residence, or (2) at any time subsequent to enlistment or induction such person shall have been lawfully admitted to the United States for permanent residence. The executive department under which such person served shall determine whether persons have served honorably in an active-duty status, and whether separation from such service was under honorable conditions: Provided, however, That no person who is or has been separated from such service on account of alienage, or who was a conscientious objector who performed no military, air, or naval duty whatever or refused to wear the uniform, shall be regarded as having served honorably or having been separated under honorable conditions for the purposes of this section. No period of service in the Armed Forces shall be made the basis of a petition for naturalization under this section if the applicant has previously been naturalized on the basis of the same period of service.

(b) Exceptions.

A person filing a petition under subsection (a) of this section shall comply in all other respects with the requirements of this subchapter, except that—

(4) service in the military, air or naval forces of the United States shall be proved by a duly authenticated certification from the executive department under which the petitioner served or is serving, which shall state whether the petitioner served honorably in an active-duty status during either World War I or during a period beginning September 1, 1939, and ending December 31, 1946, or during a period beginning June 25, 1950, and ending July 1, 1955, and was separated from such service under honorable conditions; and

(Sept. 26, 1961, Pub. L. 87-301, § 8, 75 Stat. 654.)

Editor's Note. — The 1961 amendment inserted "or during a period beginning June 25, 1950, and ending July 1, 1955" in subsections (a) and (b) (4).

Only subsection (a) and the introductory clause and subdivision (4) of subsection (b) are set out.

§ 1451. Revocation of naturalization.

(a) Concealment of Material Evidence; Refusal to Testify.

It shall be the duty of the United States attorneys for the respective districts upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 1421 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: Provided, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

(b) Notice to Party.

The party to whom was granted the naturalization alleged to have been illegally procured or procured by concealment of a material fact or by wilful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice, unless waived by such party, in which to make answers to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given either by personal service upon him or by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

(Sept. 3, 1954, ch. 1263, § 18, 68 Stat. 1232; Sept. 26, 1961, Pub. L. 87-301, § 18, 75 Stat. 656.)

Editor's Note. — The 1954 amendment deleted "district" formerly appearing before "attorneys" in line one of subsection (a).

The 1961 amendment inserted the words "were illegally procured or" in subsection (a) and the words "illegally procured or" in subsection (b).

Only subsections (a) and (b) are set out.

§ 1455. Fiscal provisions.

(d) The clerk of any United States district court (except in the District Court of the Virgin Islands of the United States and in the District Court of Guam) shall account for and pay over to the Attorney General all fees collected by any such clerk in naturalization proceedings: Provided, however, That the clerk of the District Court of the Virgin Islands of the United States and of the District Court of Guam shall report but shall not be required to pay over to the Attorney General the fees collected by any such clerk in naturalization proceedings.

(July 7, 1958, Pub. L. 85-508, § 26, 72 Stat. 351.)

Editors' Note. — The 1958 amendment deleted the reference to Alaska formerly appearing after the word "except" in line one of subsection (d). Only this subsection is set out.

§ 1456. Repealed. Pub. L. 86-682, § 12(c), Sept. 2, 1960, 74 Stat. 708, eff. Sept. 1, 1960.

PART III. LOSS OF NATIONALITY

§ 1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions.

(a) From and after the effective date of this chapter a person who is a national of the United States whether by birth or naturalization, shall lose his nationality by—

(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of Title 18 or willfully performing any act in violation of section 2385 of Title 18, or violating section 2384 of Title 18 by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or

(c) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Except as otherwise provided in subsection (b) of this section, any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily. (June 27, 1952, ch. 477, title III, ch. 3, § 349, 66 Stat. 267; Sept. 3, 1954, ch. 1256, § 2, 68 Stat. 1146; Sept. 26, 1961, Pub. L. 87-301, § 19, 75 Stat. 656.)

Editor's Note. — The 1954 amendment changed this section by inserting in subdivision (9) of subsection (a) the provisions relating to violating sections 2383, 2384 and 2385 of Title 18.

The 1961 amendment added subsection (c).

Only subdivision (9) and the introductory clause of subsection (a) and subsection (c) are set out.

§ 1485. Inapplicability of section 1484 to certain persons.

Section 1484 (a) of this title shall have no application to a national who—

(7) is the spouse or child of, or has a son or daughter who is, an American citizen, and who has his residence abroad for the purpose of being with his American citizen spouse, parent, or son or daughter who has his residence abroad for one of the objects or considerations specified in paragraphs (1)—(5) or (6) of this section, or paragraph (2) of section 1486 of this title; or

(Aug. 4, 1959, Pub. L. 86-129, § 1, 73 Stat. 274.)

Editor's Note.—The 1959 amendment inserted the words "or has a son or daughter who is" in lines one and two of subsection (7), and made other changes of phraseology. Only this subsection and the introductory clause are set out.

§ 1486. Inapplicability of section 1484 (a) (2) to certain persons.

Section 1484 (a) (2) of this title shall have no application to a national—

(1) who is a veteran of the Spanish-American War, World War I, or World War II, or of the Korean hostilities (having served honorably in an active-duty status in the military, air, or naval forces of the United States during a period beginning June 25, 1950, and ending July 1, 1955) and the spouse, children, and dependent parents of such veterans whether such residence in the territory of a foreign state or states commenced before or after the effective date of this chapter: *Provided*, That any such veteran who upon June 27, 1952, has had his residence continuously in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated for three years or more, and who has retained his United States nationality solely by reason of the provisions of section 406 (h) of the Nationality Act of 1940, shall not be subject to the provisions or requirements of section 1484 (a) (1) of this title: *Provided further*, That the provisions of section 404 (c) of the Nationality Act of 1940, as amended, shall not be held to be or to have been applicable to veterans of World War II;

(4) who has attained the age of sixty years, and has had a residence outside the United States and its outlying possessions for not less than ten years, during all of which period he has been engaged in an occupation of the type designated in paragraphs (1), (2), or (4) of section 1485 of this title, or paragraph (2) of this section, and who is in bona fide retirement from such occupation; or who is the spouse or child of the national described in this paragraph and who has his residence abroad for the purpose of being with such American citizen spouse or parent; or

(5) who shall have had his residence in the United States for not less than fifteen years subsequent to his naturalization and prior to the establishment of his foreign residence; or who prior to attaining the age of twenty-one years, shall have had his residence in the United States for not less than fifteen years subsequent to his lawful admission for permanent residence. (June 27, 1952, ch. 477, title III, ch. 3 § 354, 66 Stat. 271; Aug 4 1959, Pub. L. 86-129, §§ 2, 3, 73 Stat 274; Sept. 26, 1961, Pub. L. 87-301, § 20, 75 Stat. 656.)

Editor's Note.—The 1959 amendment inserted the reference to "the Korean hostilities" in subsection (1) It also changed subsection (5) by substituting "fifteen" for "twenty five" in line two and by adding the second clause.

The 1961 amendment added to subsection (4) the provision as to the spouse or child of a national described in that subsection.

As subsections (2) and (3) were not changed they are not set out.

VI. Rules, Regulations, Organization, and Canons of Ethics of The North Carolina State Bar

Article X.
Canons of Ethics and Rules of Professional Conduct.

Canon
20. Discussion in Newspaper or other Medium of Communication of Pending Litigation.
D. District Solicitor, Judge or Solicitor of Criminal Court Appearing in Other Courts.

Canon
H. Practicing in Court Presided Over by Spouse.
I. Giving Judicial or Public Officer, Agency or Institution as Reference in Directory.
J. Name in Directory in Bold Face Type.

ARTICLE II.

Membership—Annual Membership Fees.

§ 2. **Annual Membership Fees, When Due.**—The annual membership fee shall be in the amount fixed by statute and said membership fee shall be due and payable to the Secretary-Treasurer on the first day of January in each year and the same shall become delinquent if not paid on or before July 1 of each year.

No part of said membership fees shall be apportioned to fractional parts of the year, and no part of the membership fees shall be rebated by reason of death, resignation suspension or disbarment.

Written notice of failure to pay annual membership fees shall be sent to a member at his last known business address by the Secretary of the State Bar.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on February 14, 1956, and by the Supreme Court on March 1, 1956. The amendment substituted the present first paragraph for the former first and second paragraphs, which provided for an annual fee of $5.00, payable on or before the first day of July. The amendment also eliminated the former last sentence, relating to payment of delinquent fees.

§ 3. **Petition of Member Claiming to Be Inactive.**

3 Present occupation or work engaged in and residence, and duties performed during the period the applicant claims to be or have been inactive.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on February 14, 1956, and by the Supreme Court on March 1, 1956. The amendment added at the end of subsection 3 the words "and duties performed during the period the applicant claims to be or have been inactive." As the rest of the rule was not changed by the amendment, only subsection 3 is set out.

ARTICLE V.

Meetings of The North Carolina State Bar.

§ 4. **Quorum.**—At all annual and special meetings of The North Carolina State Bar, five per cent of the active members of The North Carolina State Bar shall constitute a quorum, but there shall be no voting by proxy

Editor's Note.—The amendment to this rule was certified by the Secretary of The North Carolina State Bar on February 14, 1956, and by the Supreme Court on March 1, 1956 The amendment reduced the quorum from ten per cent to five per cent of the active members.

ARTICLE VI.

Meetings of the Council.

§ 5. **Standing Committees of the Council.**—The standing committees of the Council shall consist of:

a. An Executive Committee of not less than three councilors, elected by the Council, and the President and Secretary-Treasurer.

It shall be the duty of the Executive Committee to perform such duties as the Council shall designate, including, however, the auditing of the books and records of the Secretary-Treasurer at each regular meeting of the Council.

b. Committee on Legal Ethics and Professional Conduct of not less than three councilors elected by the Council.

It shall be the duty of the Committee on Legal Ethics and Professional Conduct to study canons of ethics and professional conduct and make such recommendations from time to time to the Council as it may deem proper and necessary; study and determine such questions as may arise as to the meaning and application of the canons of ethics and rules of professional conduct, and advise members of the State Bar upon request in respect thereto, and perform such other duties in connection with the canons of ethics and rules of professional conduct as it may be requested to perform by the Council of The North Carolina State Bar.

c. Committee on Grievances of not less than three councilors elected by the Council.

1. It shall be the duty of the Committee on Grievances to investigate and study all complaints which may be made against members of the State Bar. The Committee may include in its investigation all matters which may come to its attention with reference to the member complained of. It shall make a report to the Council at each quarterly meeting of the action taken by it upon all matters which have come to its attention and, if the action recommended be other than dismissal of the complaint, it shall state the facts and circumstances which have come to its attention in connection with the complaint. If the recommendation of the Committee on Grievances is for dismissal of the charges, the report shall be private. It shall not be necessary to examine witnesses, but the Committee shall have authority to require affidavits or other statements in sufficient form and substance to satisfy it as to the probable truth of the charges contained in the complaint.

2. The Secretary shall require all complaints to be in the form of affidavits upon forms prepared for such purpose. Where the complaint on its face requires it, the Secretary shall obtain certified copies of court records, or verified copies of any other exhibit or exhibits, which shall accompany and be attached to the complaint.

3. All verified complaints lodged with the Secretary shall be immediately forwarded to the Chairman of the Grievance Committee for initial screening.

4. If the Chairman of the Grievance Committee is of the opinion that the complaint should be entertained, he shall forthwith proceed to issue letter of notice to the accused attorney, setting forth the substance of the charges made against him in sufficient detail to enable such accused attorney to file an intelligent answer thereto, and notifying the accused attorney to file his preliminary answer to the charges within 15 days of the receipt of such letter of notice, and further advising such accused attorney that he may attach to his answer such exhibits as he may desire, which letter of notice shall be forwarded to such accused attorney by certified or registered mail. The answer need not be verified, but all exhibits attached thereto must be certified.

5. Any action taken by the Chairman of the Grievance Committee shall be reviewed by the full committee.

6. After answer has been filed by the accused attorney, or the time for filing such answer has expired, the Grievance Committee shall consider the charges filed and make recommendation to the full Council.

7. Where any complaint has been entertained by the Grievance Committee, the Secretary shall keep a docket on such case, listing thereon the action taken, the date thereof, and the progress of the case from the time of its original institution until its final conclusion.

d. Committee on Legislation and Law Reform of not less than three councilors elected by the Council.

It shall be the duty of the Committee on Legislation and Law Reform to examine proposed changes in the law; to examine and propose changes in the law and judicial procedure; to promote the simplification of law and procedure; and perform such other duties in connection with the improvement of law and procedure as may from time to time be requested by the Council or The North Carolina State Bar.

The Committee on Legislation and Law Reform shall not appear before committees of the Legislature, except upon the approval of the Council, nor shall it make specific endorsements of changes in the laws or of new laws except with the consent of the Council.

e. Committee on Unauthorized Practice of not less than three Councilors elected by the Council.

f. Committee on Membership of not less than three Councilors elected by the Council.

Editor's Note.—The first amendment to this rule was certified by the Secretary of The North Carolina State Bar on February 14, 1956, and by the Supreme Court on March 1, 1956. The amendment substituted the words "not less than three councilors" for the words "five councilors" in subsections a, b, c and d.

The second amendment to this rule was certified by the Secretary of The North Carolina State Bar on December 30 1960, and by the Supreme Court on January 20, 1961. The amendment rewrote subsection c.

ARTICLE IX.

Discipline and Disbarment of Attorneys.

§ 1. Action on Report of Grievance Committee.—Upon the receipt of the report of the Grievance Committee, and its recommendations, the Council will determine at a regular meeting, its course in reference to the matters recommended by the Grievance Committee and shall adopt, modify, reject, or remand the said report to the Grievance Committee for further investigation, but no judgment shall be entered against any accused attorney except after a hearing has been had thereon, as provided in Art. 4, Chapter 84, of the General Statutes, and herein, unless the accused attorney shall waive such hearing.

Editor's Note.—The amendment, certified by the Secretary of The North Carolina State Bar on December 30, 1960, and by the Supreme Court on January 20, 1961, added the words "unless the accused attorney shall waive such hearing" at the end of this rule.

§ 2. Procedure on Hearing.—In case the Council decides to direct a hearing upon the matters, or any of them, so reported by the Grievance Committee, the following procedure shall be followed:

(a) At the quarterly meeting of the Council at which a hearing of the accused attorney is ordered, the Council shall name and designate a trial committee of not less than three Councilors. If the accused attorney does not elect to be heard by a trial committee designated by the Supreme Court of North Carolina or demand a trial in the Superior Court at a regular term for trial of civil cases by a judge and jury, or by written agreement of all parties, trial by jury being waived and facts being found by the judge, as provided by Chapter 84-28 and these regulations, the trial committee named and designated by the Council shall be the trial committee for the hearing of the charges preferred against such accused attorney, and shall sit at the hearing and preside over all proceedings had thereat. The names of the Councilors designated by the Council for such purpose shall not be made public or disclosed to the accused attorney until the time within which such accused attorney may elect to be tried by a trial committee designated by the Supreme Court or a trial by jury in the Superior Court as provided by statute shall have expired.

If such accused attorney exercises his right to be tried by a trial committee designated by the Supreme Court or demand a trial in the Superior Court, as provided by statute, such election shall automatically discharge as trial committee Councilors as theretofore designated by the Council, and thereafter, the accused attorney shall be notified by the Secretary of the Council the personnel of such trial committee appointed by the Supreme Court or certification shall be made to the Clerk of the Superior Court of the county in which such person shall reside if he resides in this State, or to the Clerk of the Superior Court of Wake County if he does not reside in this State, as the case may be.

The trial committee hearing the charges against the accused attorney, whether it be the committee appointed by the Supreme Court or by the Council, shall proceed under the rules and regulations adopted by the Council and the statutory provisions governing such hearings.

(b) As expeditiously as possible following the adjournment of such quarterly meeting of the Council at which a hearing of the accused attorney was ordered a verified written complaint shall be formulated by the Council, or under its direction, showing in separate paragraphs the nature and substance of all charges preferred against such accused attorney, and approved by the Council.

The complaint shall be accompanied by a notice, notifying said attorney that he may, pursuant to the provisions of Chapter 84-28 of the General Statutes of North Carolina, elect to be heard before a trial committee appointed for that purpose by the Council, or a trial committee designated by the Supreme Court, or demand a trial in the Superior Court at a regular term for the trial of civil cases by a judge and a jury or by written agreement of all parties, trial by jury be waived and the facts found by the judge; further notifying said attorney to make his election in his answer; and further notifying said attorney that upon his failure to do so, he shall be conclusively deemed to have waived his right to such election and will be heard by a trial committee appointed by the Council.

The complaint and notice shall be served by the Sheriff of the county in which said attorney resides, by delivering to him two copies of said notice and complaint. The Secretary of the Council shall pay to such Sheriff for such service, from the funds of the North Carolina State Bar such fees as may be allowed in his county for the service of summons in civil actions.

(c) The attorney, within thirty (30) days immediately following service of notice and statement of charges upon him as hereinbefore provided, may file a verified answer to the charges set out in said complaint, the original of which and two copies thereof shall within said period, be filed in the office of the Secretary of the North Carolina State Bar. Every material allegation of the verified complaint not controverted by the answer or to which no answer is made, for the purpose of the action, shall be taken as true and the trial committee may consider the facts therein contained as conceded and no other proof of the same shall be necessary.

(d) The trial committee appointed by the Council, or the Supreme Court, as the case may be, following the filing of the answer by the accused attorney, if an answer be filed, and if no answer be filed, then following the expiration of the time for filing answer, shall proceed to hear the charges preferred against the accused attorney as promptly as possible in order that the ends of justice may be served, and the rights of the accused attorney and of the public generally may be fully protected and preserved. The Chairman of the trial committee shall set a time and place for said hearing, and thereafter, not less than ten (10) days prior to the date thereof, the Secretary of the North Carolina State Bar shall cause notice of the time and place of such hearing to be given said accused attorney by certified or registered mail.

(e) At such hearing, and throughout the pendency of such charges, the respondent shall be entitled to counsel; to have process to secure and compel the attendance of witnesses, the production of papers and books, documents and, upon request, the same shall be issued as prescribed in Art. 4, Chapter 84, of the General Statutes. All process officers in the State of North Carolina shall be required to serve the same, and for such service shall receive fees allowed in their respective jurisdictions for the service of subpoenas issued by the Superior Courts.

(f) At said hearing, or hearings, a complete stenographic report of all testimony shall be had and the original and one copy of said testimony shall be filed with the Secretary of the Council.

(g) The cost of stenographic services for such trial shall be paid by the Council upon bills rendered and approved as other expenses of the Council, and shall be taxed as a part of the costs, as provided in Art. 4, Chapter 84, of the General Statutes.

(h) At said hearing, or hearings, before said committee, respondent shall have the right to produce in his behalf all competent evidence and to testify in person in respect to the matters and things set out in said statement and notice.

(i) Counsel shall have the right to submit oral argument and written briefs under the direction of the said committee, and to present such arguments as may now be presented in the trial of civil actions in the Superior Court.

(j) After hearing all the evidence and considering the same, the said committee shall file its report, stating its findings of fact and making its conclusions thereon as to discipline or disbarment, or as to the innocence of the respondent. Said report in duplicate shall be filed with the Secretary of the Council and shall stand for hearing at the next regular meeting of the Council, but the Council shall have power to continue the hearing to specified dates.

(k) When the said Committee shall formulate its report, a copy thereof shall be sent, by certified or registered mail, to the respondent, and said respondent shall file his exceptions thereto with the Secretary of The North Carolina State Bar within ten (10) days from receipt of the copy of said report.

(l) The President of The North Carolina State Bar is empowered to extend the time provided herein for the filing of complaint, the filing of answer thereto, the time for filing exceptions by the accused attorney, or his counsel, to the report of the trial committee, or to the action of the Council upon such report, as, in his discretion, he may deem necessary, in order that the ends of justice may be met, having due regard to the rights of the respondent to have a full and ample opportunity to present his defense, but also having due regard to the speedy conclusion of such hearing.

(m) Said Council shall consider said report at a regular meeting and shall determine upon the record of the said hearing, which shall consist of the said statement and notice served on the respondent, his answer, if any, the testimony taken by the said committee, its report, recommendations, and the briefs of counsel filed before said committee, if any, and when the same is considered by the Council, the said respondent shall be entitled to be heard by the Council in person or through counsel, before determination, but no testimony or evidence will be taken by the Council and none heard other than such as is contained in the record filed by the committee which conducted the hearings.

(n) Any evidence, discovered after the report of the committee hearing the matter has been filed with the Council may be the subject of a motion before the Council at any time before final judgment to remand the said report to the committee, to the end that the said committee may hear said newly discovered evidence. Such motion, and the proof with respect thereto, shall be made and heard under the rules now applicable to motions for new trials in the Superior Court for newly discovered evidence in civil actions, and if the said report is remanded to said committee to hear said newly discovered evidence, then the same shall be heard by said committee, subject to its competency, and such other evidence as may be corroborative or contradictory thereof, may also be submitted, and the said committee shall include said newly discovered evidence in its report and shall make such further findings and recommendations as it may deem proper in the light of all the evidence. Notice of such motion shall be given to opposing counsel at least ten days before said motion is to be heard.

(o) Upon such record, after hearing the argument thereon, the Council shall render its judgment as authorized in Art. 4, Chapter 84, of the General Statutes, and amendments thereto, at a regular meeting, notice of which meeting shall be given the respondent, who shall have the right to be present in person or through counsel.

(p) From any judgment of suspension from the practice, or disbarment, the said respondent may appeal, as provided in Art. 4, Chapter 84, of the General Statutes, and notice of such appeal shall be sufficiently given the said Council, if given orally, when said judgment is rendered at a meeting of said Council, or by service of written notice of the same on the Secretary-Treasurer thereof, within fifteen days from the rendition of said judgment by said Council, which fifteen days shall begin to run from the final adjournment of the meeting of said Council at which said judgment was rendered. A copy of said judgment duly certified by the Secretary-Treasurer shall be forthwith mailed to the respondent by registered letter, with return receipt requested.

(q) The record on appeal to the Superior Court shall consist of the statement and notice and answer, if any, and the transcript of the evidence, and the findings of fact and recommendations of the committee, and the findings and conclusions of the Council thereon, as well as the exceptions, if any, filed to the report of said committee by the respondent, and the judgment of the Council thereon and the assignments of error therein, as contended for by the respondent.

(r) The Secretary-Treasurer shall certify the evidence in question-and-answer form as taken at the hearing, to the Supreme Court, on appeal, which appeal shall be sent to the Clerk of the Superior Court in the county of the residence of the respondent.

(s) Whenever charges shall have been preferred against any member of the Bar, and the Council shall have directed a hearing upon the charges, it shall also designate a member or members of the Bar to prosecute said charges in such hearings as may be held, including hearing upon appeals in the Superior and Supreme Courts. The Council may allow the counsel performing such services such compensation as it may deem proper.

(t) The Grievance Committee is charged with the duty of following the progress of all disciplinary matters coming before it and the progress of all hearings ordered by the Council, and shall make report to the Council at its regular quarterly meetings of the status of all hearings theretofore ordered by it, to the final conclusion thereof.

(u) In the case of persons charged with an offense cognizable by the Council, or any committee thereof, a complete record of the proceedings and evidence taken before the Council or any committee thereof shall be made and preserved in the office of the Secretary-Treasurer and the Secretary-Treasurer shall see that such record is had and preserved according to the orders of the Council.

The Council may, upon sufficient cause shown, and with the consent of the person charged, cause the said record to be expunged and destroyed.

(v) Final judgment of suspension from the practice or disbarment by the Council shall be certified by the Secretary-Treasurer to the Superior Court of the county wherein the respondent resides, and also to the Supreme Court of North Carolina. If the judgment of the Council shall be that the respondent be privately reprimanded, the Council shall formulate the reprimand and shall appoint one of its members to read and deliver the same and shall name the time and place for delivery thereof. The Secretary shall spread upon his minutes as a final judgment of the Council, the order of private reprimand, the name of the member of the Council to deliver the same, and the time and place therefor.

(w) Whenever any attorney has been deprived of his license under the provisions of Art. 4, Chapter 84, of the General Statutes, the Council, in its discretion, may restore said license upon due notice being given and hearing had and satisfactory evidence produced of proper reformation of the licentiate before restoration.

(x) Due notice of motion before said Council to restore such license shall, in so far as it relates to the Council, be had by serving a written notice upon the Secretary-Treasurer of the Council by delivery of two copies thereof at least forty days prior to the hearing on said motion. In lieu of service the said Secretary-Treasurer may, in his discretion, accept service of said notice. Notice by publication shall also be made by applicant in a newspaper published in the county in which applicant resides once a week for four successive weeks.

(y) All hearings to restore licenses shall be had by the Council which shall make its findings and declare its conclusions thereon and enter its judgment upon the same. If, as a result of said hearing, the Council decides to restore said license, a copy of its judgment restoring the same shall be certified to the Superior Court of the county wherein the said licentiate resides, and if he then resides in a county other than the county where the judgment disbarring said licentiate has been recorded, then a copy shall be certified to the Superior Court in said county where said judgment of disbarment has been recorded, and a certified copy thereof shall be delivered to the Supreme Court, to the end that the same may be recorded in its minutes, and when so recorded the judgment of the Council restoring said license shall have full force and effect throughout the State.

(z) The cost of any proceedings for the restoration of license shall be paid by the person making application therefor.

Editor's Note.—The first amendment of this rule, certified by the Secretary of The North Carolina State Bar on January 18, 1960, and by the Supreme Court on February 2, 1960 inserted former subsection (b-1), which was subsequently repealed by the second amendment

The second amendment was certified by the Secretary of The North Carolina State Bar on December 30, 1960, and by the Supreme Court on January 20, 1961. The amendment repealed former subsection (b-1), added new subsections (a), (1) and (t), redesignated former subsections (a) through (w) to correspond and rewrote former subsections (a) to (c) and (j), now subsections (b) to (d) and (k).

The third amendment, certified by the Secretary of The North Carolina State Bar and by the Supreme Court on May 2, 1962, rewrote subsections (a) through (d).

§ 3. **Nature and Place of Hearing.**—All hearings on any complaint before the committee appointed by the Council or the Supreme Court to hear the same shall be public, and if possible, shall be held in the courthouse.

Editor's Note.—The first amendment of this rule, certified by the Secretary of The North Carolina State Bar on January 18, 1960, and by the Supreme Court on February 2, 1960, inserted in line two the words "or the Supreme Court".

The second amendment, certified by the Secretary of the North Carolina State Bar on December 30 1960 and by the Supreme Court on January 20. 1961 made the same change as the first amendment.

ARTICLE X.

Canons of Ethics and Rules of Professional Conduct.

20. Discussion in Newspaper or Other Medium of Communication of Pending Litigation

Publications, directly or indirectly, by a lawyer in any newspaper, magazine or by television, radio or other mediums of communication, as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An ex parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any ex parte statement.

Editor's Note.—Prior to the amendment to this Canon certified by the Secretary of The North Carolina State Bar on December 10, 1959, the Canon applied only to newspaper publications.

42. Approved Law Lists

It shall be improper for any attorney to permit his name to be published in a law list that is not approved by the Council of The North Carolina State Bar, after April 16, 1948.

Editor's Note.—The amendment to this Canon was certified by the Secretary of The North Carolina State Bar on February 14, 1956. The amendment changed the Canon as set out in the recompiled volume by substituting the words "any attorney" for the words "a lawyer," deleting the words "after April 16, 1948" following the word "published" and adding the words "after April 16, 1948" at the end of the Canon.

44. Specialists

The Canons apply to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles.

Editor's Note.—

The amendment to this Canon was certified by the Secretary of The North Carolina State Bar on February 14, 1956. The amendment re-enacted without change the Canon as set out in the recompiled volume.

C. Acceptance of Employment by Attorney Who Is or Has Been Prosecuting Officer, Presiding Judge, Recorder or Vice-Recorder

It shall be deemed unethical and unprofessional for any attorney who is, or has been, a prosecuting officer, or presiding judge, or recorder, or vice-recorder in any court inferior to the Supreme Court, or in any Federal Court, to accept professional employment in any matter of a civil or criminal nature, growing out of any matter or thing which is, or has been in any way connected with the office of such prosecuting officer, judge, or recorder, or vice-recorder, during his incumbency.

Editor's Note.—The amendment to this Canon was certified by the Secretary of the North Carolina State Bar on March 1, 1958. The amendment inserted the references to presiding judge, recorder and vice-recorder.

D. District Solicitor, Judge or Solicitor of Criminal Court Appearing in Other Courts

It shall be deemed unethical for any District Solicitor, Judge or Solicitor of any criminal court inferior to the Superior Court to appear in any criminal proceeding, whether for the defendant or for the State, in other courts of the State of North Carolina having criminal jurisdiction, whether concurrent with, inferior to or superior to the criminal jurisdiction of the court over which he shall preside, or over which he shall be the prosecuting officer. Provided that nothing in this Canon is intended to preclude the Solicitor of any Recorder's Court or County Court from appearing in the Superior Court upon the request of the District Solicitor. And provided further that nothing in this Canon is intended to preclude the Solicitor or Assistant Solicitor of any Superior Court from appearing in a Recorders Court or Municipal-County Court, upon request of the Solicitor of such court.

Editor's Note.—The first amendment of this Canon, certified by the Secretary of The North Carolina State Bar on December 10, 1959, inserted "District Solicitor" in the first sentence and substituted "the State of North Carolina" for "his county" in such sentence. It also deleted the exception clause that "this Canon shall not apply to Mayors of Incorporated Towns having like jurisdiction in criminal matters as a Justice of the Peace, except that such Mayors shall not appear in any criminal matters arising within their jurisdiction." Such exception clause formerly appeared immediately before the first proviso.

The second amendment, certified by the Secretary of The North Carolina State Bar on January 23, 1964, and by the Supreme Court on January 31, 1964, added the second proviso.

E. Attorney Having Interest in Appearance Bond or Bonding Company

It shall likewise be deemed unethical and improper for any attorney to represent any party in any civil action where such attorney or a member of his family has personally signed any cost or other bond with or without compensation.

Editor's Note.—

The amendment to this Canon was certified by the Secretary of The North Carolina State Bar on February 14, 1956. The amendment added the above paragraph at the end of the Canon. As the rest of the Canon was not changed, only the paragraph added by the amendment is set out.

G. Client Identified with Claim Which Attorney Has Investigated or Adjusted for Insurer

When any member of The North Carolina State Bar shall investigate or adjust any claim for any insurance company or agency, or through the service of any other person such member, his associates, and the person making such investigation are forbidden to represent as attorney any person, firm, or corporation in anywise identified with said claim, as a result of the facts or circumstances on account of which said claim originated, except the insurance company or agency for which the aforesaid claim was investigated or adjusted, or the assured. Provided, nothing contained herein shall prevent a member of the State Bar or his associates, in the event he or they shall institute suit in behalf of such insurance company or agency on account of the facts and circumstances so investigated, from filing a replication to any answer which may be filed in said cause and set up a counter-claim or cross-action in behalf of such insurance company or agency or its assured, who may be involved in such action, or from filing answer, in the event of suit setting up counter-claim or cross-action in behalf of the insurance company by which he is employed, or its insured, for any property damage or personal injuries which may have been sustained by the insured and growing out of the facts and circumstances investigated. And provided further that this Canon shall not apply to the representation of any person charged with a criminal offense in any court of the State and who may be prosecuted on account of the facts and circumstances originally investigated.

This Canon shall not be applicable to any case referred by an insurance company or agency to a member of The North Carolina State Bar for handling by such member after the insurance company's claimsman or adjuster has completed an investigation and in such cases the members of The North Carolina State Bar shall be governed by the provision of Canons 6, 28 and 35.

Editor's Note.—

The amendment to this Canon was certified by the Secretary of The North Carolina State Bar on February 14, 1956. The amendment rewrote the Canon to read as set out above.

Former Canon "G" now appears as Canon "J".

H. Practicing in Court Presided Over by Spouse

It shall be deemed unethical and unprofessional for a member of The North Carolina State Bar to practice his or her profession in the Superior Court, or any Recorders Court, Municipal Court, Domestic Relations Court, Juvenile Court, Probate Court, or any other court inferior to the Supreme Court of North Carolina, now established or which may be hereafter established, which court is presided over by his or her spouse.

Editor's Note.—This Canon was certified by the Secretary of The North Carolina State Bar on December 3 1958, and designated as "H". Former Canon "G", which had been designated as "H' since April 16, 1954, now appears as Canon "J".

I. Giving Judicial or Public Officer, Agency or Institution as Reference in Directory

It shall be deemed unethical and improper for any member of The North Carolina State Bar to give or include as a reference, in his biographical sketch which he causes to be inserted in a legal directory, the name of any judicial or public officer, agency or institution in North Carolina.

Editor's Note.—This Canon was certified by the Secretary of The North Carolina State Bar on June 30 1960 and designated as "I".

J. Name in Directory in Bold-Face Type

Hereafter it shall be improper for an attorney to have his name printed in any directory in bold-face type.

Editor's Note. Prior to April 16, 1954, this Canon appeared as Canon "G".

VI-A. Regulations Relating to the Appointment of Counsel for Indigent Defendants in Certain Criminal Cases

Article
I. Authority.
II. Determination of Indigency.
III. Waiver of Counsel.
IV. Appointment of Counsel.
Article
V. Withdrawal by Counsel.
VI. Procedure for Payment of Compensation.
Appendix of Forms.

ARTICLE I.

Authority.

Section 1.1. These rules and regulations are issued pursuant to the authority contained in Section 3, Chapter 1080 of the Session Laws of 1963.

Editor's Note. — These rules were adopted by the Council of the North Carolina State Bar pursuant to Session Laws 1963, c. 1080, s. 3, codified as G. S. 15-5.1. The rules were certified by the Secretary of the North Carolina State Bar on July 15, 1963, and by the Supreme Court on July 19, 1963.

ARTICLE II.

Determination of Indigency.

Section 2.1. Prior to the appointment of counsel in any criminal case on grounds of indigency of the defendant, the Court shall require the defendant to complete and sign under oath an Affidavit of Indigency in a form substantially as set out in Form Number 1 attached hereto.

Section 2.2. Prior to the call of the case for trial, the judge shall make reasonable inquiry of the defendant personally under oath to determine the truth of the statements made in the Affidavit of Indigency.

Section 2.3. The defendant's Affidavit of Indigency shall be filed in the records of the case.

Section 2.4. Upon the basis of the defendant's Affidavit of Indigency, his statements to the Court on this subject and such other information as may be brought to the attention of the Court which shall be made a part of the record in the case, the Court shall determine whether or not the defendant is in fact indigent.

ARTICLE III.

Waiver of Counsel.

Section 3.1. Any defendant desiring to waive the right to counsel as provided in G.S. 15-4.1 shall complete and sign under oath a WAIVER OF COUNSEL in a form substantially as set out in Form Number 2 attached hereto. If such defendant waives the right to counsel but refuses to execute such waiver, the Court shall so certify in a form substantially as set out in Form Number 2A attached hereto.

Section 3.2. Prior to the call of the case for trial, the judge shall make reasonable inquiry of the defendant personally to determine that the defendant has understandingly waived his right to counsel.

Section 3.3. The judge, upon being so satisfied, shall accept the WAIVER OF COUNSEL, executed by the defendant, sign the same and cause it to be filed in the record of the case.

ARTICLE IV.

Appointment of Counsel.

Section 4.1. Any district bar as provided in G.S. 84-18 may adopt a plan for the naming and designation of the attorneys to serve as assigned counsel. Such plan may be applicable to the entire district, or, at the election of the district bar, separate plans may be adopted by the district bar for use in each separate county within the district.

Section 4.2. Such plan or plans as adopted by a district bar, shall be certified to the Clerk of Superior Court of each county to which such plan is applicable and shall constitute the method by which counsel shall be selected in said district for appointment as counsel to indigent defendants. Thereafter all appointments of counsel for indigent defendants in said district shall be made in conformity with such plan or plans, unless the trial judge in the exercise of his sound discretion deems it proper in furtherance of justice to appoint as counsel for an indigent defendant or defendants some lawyer or lawyers residing and practicing in the judicial district, who is or are not on the plan or list certified to the Clerk of the Superior Court, and if so, he is authorized to appoint as counsel to represent an indigent defendant or defendants some lawyer or lawyers not on said plan or list presiding and practicing in the judicial district.

Section 4.3. No attorney shall be appointed as counsel for an indigent defendant in a court of any district except the district in which he resides or maintains an office except by consent of counsel so appointed.

Section 4.4. No indigent defendant shall be entitled or permitted to select or specify the attorney who shall be assigned to defend him.

Section 4.5. The Clerk of Superior Court of each county shall file or record in his office, maintain and keep current the plan for the assignment of counsel applicable to said county as certified to him by the district bar in which such county is located.

Section 4.6. The Clerk of Superior Court of each county shall keep a record of all counsel eligible for appointment under the plan applicable to said county as certified to him by the district bar and a permanent record of the appointments made under said plan.

Section 4.7. Orders for the appointment of counsel shall be entered by the court in a form substantially as set out in Form Number 3.

ARTICLE V.

Withdrawal by Counsel.

Section 5.1. At any time during or pending the trial or re-trial of a case, the trial judge, the appointing judge, or the resident judge of the district, upon application of the attorney and for good cause shown, may permit said attorney to withdraw from the defense of the case.

Section 5.2. At any time after the trial of a case and during the pendency of an appeal, the trial attorney, for good cause shown, may apply to the Supreme Court for permission to withdraw from the defense of the case upon the appeal.

Section 5.3. Applications for permission to withdraw as counsel shall be made only for good cause where compelling reasons or actual hardship exists.

ARTICLE VI.

Procedure for Payment of Compensation.

Section 6.1. Upon completion of the representation of an indigent defendant by appointed counsel in the trial court, the trial judge shall, upon application, enter an order allowing such compensation as is provided in G.S. 15-5.

Section 6.2. Upon the completion of any appeal, the trial judge, the resident judge or the judge holding the courts of the district, shall, upon application, enter a supplemental order in the cause allowing the appointed attorney upon the appeal such additional compensation as may be appropriate.

Section 6.3. Orders for the payment of compensation to counsel for representation of indigent defendants shall be entered by the judge substantially in the form set out in the ORDER ALLOWING COUNSEL FEES. (Form Number 4 attached hereto)

Section 6.4. Two certified copies of the order for the payment of fees (Form Number 4) shall be forwarded by the clerk of the Superior Court of the County to the office of the State Treasurer, Raleigh, North Carolina, for payment.

Section 6.5. Upon the entry of the order for the payment of counsel fees, the court shall likewise enter a judgment against the defendant for whom counsel was assigned in the amount allowed as counsel fees said judgment tc be substantially in the form set out in Form Number 5 attached hereto.

APPENDIX OF FORMS.

FORM NUMBER 1

NORTH CAROLINA IN THE SUPERIOR COURT
.... COUNTY

Docket No. ....
STATE OF NORTH CAROLINA
vs.
....
Defendant

AFFIDAVIT OF INDIGENCY

1. By whom are you employed? ....
2. What is your present income? $...................... ☐ Weekly ☐ Monthly ☐ Other
3. Are you married? ....
4. How many children under age 18 do you have? ....
5. What kind of car do you own? ....
6. Is it paid for? .... If not, what are the payments? ....
7. State specifically all property which you own and give location and its value. ....
....
....
8. State specifically all property which you and your Spouse own jointly and give location and its value. ....
....
....
9. How much do you owe? ....

I hereby declare under the penalties of perjury that the foregoing answers are true, correct and complete and that I am financially unable to employ counsel to represent me in this action. I hereby request the Court to appoint counsel to represent me in this action.

This .... day of ...., 19.....

....
Defendant

Sworn to and subscribed before me this .... day of ...., 19.....
....

FORM NUMBER 2

NORTH CAROLINA IN THE SUPERIOR COURT
.... COUNTY

Docket No. ....
STATE OF NORTH CAROLINA
vs.
....
Defendant

WAIVER OF RIGHT TO HAVE APPOINTED COUNSEL

The undersigned represents to the Court that he has been informed of the charges against him, the nature thereof, the statutory punishment therefor and the right to appointment of counsel upon his representation to the Court that he is unable to employ counsel and the reasons therefor, all of which he fully understands. The undersigned now states to the Court that he does not desire the appointment of counsel, expressly waives the same and desires to appear in all respects in his own behalf, which he understands he has the right to do.

....
Defendant

Sworn to and subscribed before me this .... day of ...., 19..

....
Clerk of Superior Court

CERTIFICATE OF JUDGE

I hereby certify that the above named defendant has been fully informed in open Court of the charges against him and of his right to have counsel appointed by the Court to represent him in this case; that he has elected in open Court to be tried in this case without the appointment of counsel; and that he has executed the above waiver in my presence after its meaning and effect have been fully explained to him.

This .... day of ...., 19.....

....
Signature of Judge

FORM NUMBER 2A

CERTIFICATE OF JUDGE

I hereby certify that the above named defendant has been fully informed in open Court of the Charges against him and of his right to have counsel appointed by the Court to represent him in this case; that he has elected in open Court to be tried in this case without the appointment of counsel; and that he has refused to sign a waiver.

This .... day of ...., 19.....

....
Signature of Judge

FORM NUMBER 3

NORTH CAROLINA IN THE SUPERIOR COURT
.... COUNTY

Docket No. ....
STATE OF NORTH CAROLINA
vs.
....
Defendant

ORDER OF APPOINTMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANT

The defendant, ... having been called to plead to the true bill(s) of indictment(s) found or warrants issued against him, wherein he is charged with ....
....
....
and it appearing to the undersigned Judge Presiding, from the affirmations made by the defendant and after due inquiry made, as appears in the record, that the defendant is unable by reason of his indigency to employ the services of counsel to represent him in this cause; it is,

ORDERED AND ADJUDGED that the defendant is an indigent and in need of the services of an attorney, as contemplated by law; and that .... Attorney at Law, is hereby appointed as counsel for the indigent defendant as provided in G. S. 15-4.1 and G. S. 15-5.

This the .... day of ...., 19...

....
Judge Presiding

FORM NUMBER 4

NORTH CAROLINA IN THE SUPERIOR COURT
.... COUNTY

Docket No. ....
STATE OF NORTH CAROLINA
vs.
....
Defendant

ORDER ALLOWING
COUNSEL FEES

This cause coming on to be heard before the undersigned Judge of the Superior Court and it appearing that the defendant has heretofore been found to be an indigent within the meaning of G.S. 15-4.1 and upon such finding .... was appointed by the Court as counsel to represent him in this case;

And it further appearing to the Court that the said defendant was charged in this case with the offense of ....
....
....;

And it further appearing to the Court that pursuant to such appointment said attorney did represent said defendant in this case and has performed valuable legal services for said indigent defendant;

And the Court being fully informed as to the time consumed by said attorney in the performance of his services, the nature and character of this case, the amount of fees usually charged for cases of this kind in this locality, and of other pertinent matters, the Court is of the opinion that said legal services so rendered to the defendant in this case are reasonably worth at least .... Dollars ($................) and it is now therefore

ORDERED by the Court that the sum of .... Dollars ($.................) be and it is hereby allowed to the assigned attorney as reasonable counsel fees for services rendered the defendant in this case; it is further

ORDERED AND ADJUDGED that the Treasurer of the State of North Carolina pay to said assigned attorney the said sum of .... Dollars ($..............) hereby and herein allowed to him for his services rendered to said indigent defendant.

This the .... day of ...., 19.....

....
JUDGE OF THE SUPERIOR COURT
OF NORTH CAROLINA

FORM NUMBER 5

NORTH CAROLINA IN THE SUPERIOR COURT
.... COUNTY

Docket No. ....
STATE OF NORTH CAROLINA
vs.
....
Defendant

JUDGMENT

This cause coming on to be heard before the Honorable ...., Judge of the Superior Court and the Court finding the following facts:

(1) By order dated ...., the Court appointed counsel for ...., an indigent defendant within the meaning of G.S. 15-4.1 and G.S. 15-5;

(2) By order dated ...., the Court directed the State of North Carolina to pay to said counsel the sum of .... Dollars ($..................) for services rendered the indigent defendant, all according to the terms and provisions of G.S. 15-5;

(3) G.S. 15-5 provides that the fee so allowed shall be entered as a judgment against the defendant;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the State of North Carolina have and recover of the defendant, ..., ..., the sum of .... Dollars ($..............) and that this judgment be docketed in the judgment docket in the Office of the Clerk of the Superior Court of .... County and the same shall constitute a lien as provided by the general law of the State pertaining to judgments.

This .... day of ...., 19.....

....
JUDGE OF THE SUPERIOR COURT
OF NORTH CAROLINA

VII. Rules Governing Admission to Practice of Law

Rule
1. Compliance Necessary.
2. Definitions.
3. Applications.
4. Citizenship, Character, Age, Residence.
5. Moral Character of Applicant.
6. Law Students to Register.
7. General Education.
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1. Compliance Necessary.—No person shall be admitted to the practice of law in North Carolina unless he has complied with these rules and the laws of the State.

Editor's Note.—The rules herein set out were certified by the Secretary of the North Carolina State Bar on February 14. 1956, and by the Supreme Court on March 1, 1956.

2. Definitions.—The terms "board" and "secretary" as herein used refer, respectively, to the Board of Law Examiners of North Carolina and the Secretary of the same. Masculine pronouns shall be deemed to include the female.

3. Applications.—Every person desiring to be admitted to the practice of law in North Carolina shall file an application with the Secretary not later than March 1 prior to the next bar examination, beginning with the year 1963. This application shall contain such information as is called for by the forms approved by the Board, and shall be accompanied by the fee required by Rule 17 (b), and by such evidence of good moral character, affidavits of general education, and other credentials as applicant relies upon to show compliance with these rules and such further information and evidence as the Board may require. All applications, proofs, and affidavits shall be made in such manner and upon blanks furnished by the Secretary. As soon as possible after filing of applications, the Secretary shall make public the list of applicants.

Affidavits of legal education as required by the Board shall be filed 30 days prior to the date of the examination.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on April 18, 1962, and by the Supreme Court on May 2, 1962. The amendment substituted "March 1" for "90 days" in the first sentence and added "beginning with the year 1963" at the end of the first sentence.

4. Citizenship, Character, Age, Residence.—Each applicant at the time of filing his application, must be a citizen of the United States, a person of good moral character, and must have been, for the twelve months next preceding the date of the examination, a citizen and resident of North Carolina, or must have been a nonresident student, for one scholastic year next preceding the filing of his application in an approved North Carolina law school. Such nonresident student applicant shall notify the Secretary in writing before his examination of his intention in good faith to become a citizen and resident of North Carolina, and then upon his satisfying the Board that he has complied with these rules, license shall be issued to him within six months of his examination.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1 1958, and by the Supreme Court on June 30, 1958. The amendment made changes in the latter part of the last sentence.

5. **Moral Character of Applicant.**—No applicant shall be licensed upon examination or by comity until and unless he has been found by the Board to be of good moral character. Each applicant shall furnish affidavits of good moral character from at least four responsible persons, at least two of whom shall be members of The North Carolina State Bar, practicing in the Supreme Court of North Carolina.

Any person whose application for admission to the practice of law, either by examination or comity, has been denied on account of failing to satisfy the Board as to good moral character shall be ineligible thereafter to take the examination or have his credentials considered for two years.

6. **Law Students to Register.**—No one shall be permitted to take the examination unless he shall have previously registered with the Secretary as a law student. In determining whether or not an applicant to take an examination has complied with Rules 8, 9, and 10, no time spent in legal study prior to sixty days before the date of his registration will be counted. Registration shall be upon blanks prescribed by the Board and shall be accompanied by the affidavit of the dean of that approved law school in which the applicant has matriculated, or of that lawyer under whose instruction the applicant proposes to study (who at the time must have been a licensed practitioner in North Carolina for five years), corroborating the facts in the application of which such dean or lawyer has personal knowledge, and giving to the Board such information and such pledges of intention to be governed by these rules in the instruction of the applicant as the Board shall require. Registration papers shall be accompanied by the registration fee of three dollars required by Rule 17 (a); provided, however, that no petition for deferred registration from a student in a North Carolina law school desiring to take an examination after 1959 will be considered by the Board where registrant seeks admission to any examination to be given by the Board within one year next following date of the filing of such deferred registration and petition. In such cases deferred registration will not be considered until one year, following the date of the filing thereof, has elapsed. Upon receipt of the registration papers, corroborating affidavits, and the registration fee and such other information as the Board may require, the Secretary shall acknowledge the same and shall make entry upon his records to that effect. Whenever a registered law student changes his home address, or changes the school in which, or the lawyer under whom, he is studying, or whenever he shall abandon the study of law, he shall notify the Secretary of that fact within sixty days thereafter. Where a person applying to take the examination shall have begun and pursued his legal studies and shall have failed to register as required above, deferred registration in exceptional and meritorious cases, may be permitted by the Board, and in such cases the applicant shall file a duly verified petition directed to the Board setting forth the grounds upon which he considers his failure to comply with this rule as being exceptional and meritorious and in such cases the petition and registration papers shall be accompanied by a fee in the amount of eight dollars as required by Rule 17 (a).

From time to time during the period of the student's study, the Board may require reports from him or the law school in which, or the lawyer under whom, he is studying concerning the kind and character of work he is doing and training he is receiving, and, if upon such investigation into these and other matters as to the general conduct of the applicant the Board is of the opinion that the work he is doing or the training he is receiving does not constitute a compliance with these rules, it may refuse to allow him credit for such work, or it may take such other action as seems to it appropriate.

Editor's Note.—The amendment to this rule was certified by the Secretary of The North Carolina State Bar on September 3, 1959, and by the Supreme Court on September 23, 1959. The amendment added the proviso at the end of the fourth sentence and inserted the present fifth sentence of the first paragraph.

7. General Education.—Each applicant, to take the examination, prior to beginning the study of law, must have completed, at a standard college, an amount of academic work equal to one-half of the work required for a bachelor's degree at the university of the State in which the college is located. With his application he shall file an affidavit from such college furnishing all information that the Board shall require. If such applicant has not taken the above described amount of college work, or for any reason cannot furnish an affidavit of such work, he may request an examination upon his general education, whereupon the Board itself or through some agency designated by it, shall examine him. If upon such examination, the Board is satisfied that his general education is sufficient to qualify the applicant to take the examinations, the Board may find that he has met the requirements of this rule as to general education.

If a person applying to take the examination cannot qualify under the above-stated provisions of this rule, the Board shall allow him to take the examination if he has previously been accepted by an approved law school as a special student, if at such school he has complied with either Rule 8 (a) or (b) and if he presents an affidavit to that effect by the dean of that school and has complied with other rules of the Board.

Any person requesting examination as indicated in this rule shall file a duly verified petition containing all information pertinent to the request and setting forth contentions as to wherein the applicant considers that he has the equivalent of college training indicated in these rules, and shall file with the Board such cost of hearing and examination as may be required by the Board. Such cost, however, shall not exceed the amount found by the Board to be the actual cost of consideration and examination and apportioned to the applicant as reimbursement to the Board for cost expended in such consideration and examination of the applicant and his petition.

8. Legal Education.—Each person applying to take the examination must have studied law for three years, all of which study must have been completed within a period of six years provided, however, that the period between the date of induction of the applicant into the armed services and the date of his discharge therefrom shall not be counted. During that period, he may either (a) have studied as a minimum requirement, all of the subjects upon which he will be examined listed in Rule 12, or (b) he must have graduated from an approved law school.

A person shall be deemed to have complied with this rule if at the time of filing his application he presents the affidavit of the dean of an approved law school that he (the applicant) will complete the course of study required for graduation from that school during the current summer session. No license shall be issued, however, until the dean verifies that the applicant has satisfactorily completed that course of study and has graduated, provided that no review work in preparation for the bar examination shall have constituted any part of the summer's course of study.

A person shall be deemed to have graduated from an approved law school for the purposes of these rules, if he has complied with all of the requirements for graduation therefrom except those relating to pre-legal education and if he was admitted originally to the law school as a special student and not as a candidate for a law degree.

No credit will be given by the Board for any study done by correspondence or through radio or television.

Editor's Note.—The first amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1, 1958, and by the Supreme Court on June 30, 1958. The amendment made changes in the last sentence of the first paragraph.

The second amendment was certified by the Secretary of the North Carolina State

Bar on April 18, 1962, and by the Supreme Court on May 2, 1962. The amendment deleted the words "conducted by that school" at the end of the first sentence of the second paragraph.

9. Evidence of Legal Education.—Compliance with Rule 8 must be evidenced (a) by the affidavit of the dean of an approved law school that the applicant has studied law in that school for three years and that he has passed examinations given by the faculty on all the subjects listed in Rule 12, or that he has graduated from that law school; or (b) by the affidavit of a member of The North Carolina State Bar engaged in active practice of law, who has been a licensed practitioner in North Carolina for five years prior to the beginning of instruction, that the applicant has studied law under his personal instruction for three years and that he has passed written examinations given by him in the entire minimum course of study above prescribed, and on each subject contained therein; which affidavit shall be made on the forms prescribed by the Board of Law Examiners, and the originals of which written examinations, and the answers thereto shall be attached to such affidavit; or (c) by a combination of such affidavits showing that the aggregate total of the applicant's study in an approved law school or schools and under a lawyer or lawyers has equalled three years, and that he has passed written examinations in the entire minimum course of study above prescribed, and on each subject contained therein; and no affidavit showing study outside of an approved law school for less than six consecutive months will be considered. Applicants who have studied law outside of North Carolina will not be allowed credit for the time spent in such study, except to the extent that the same has been pursued in an approved law school.

The Board may require the applicant or the dean of the law school or a practitioner giving the course of study to furnish to the Board affidavits as to the conduct and character of the applicant in and during his course of study, and the same may be required either from time to time during said course of study or at the completion thereof.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1, 1958, and by the Supreme Court on June 30, 1958. The amendment substituted the words "the subjects listed in Rule 12" appearing in line four for the words "the required subjects and on five of the optional subjects listed in Rule 12."

10. Years of Study Defined.—A year of study, within the meaning of Rule 8, shall consist of a minimum of either (a) thirty weeks, excluding vacations but including examinations, embracing an average of twelve hours of classroom work each week, and an average of two hours' preparation required for each hour of recitation, spent in a law school approved by the Board; or (b) forty-five weeks, exclusive of vacations, embracing an aggregate of ten hundred and eighty hours during this period devoted to study, recitations, and examinations, and with final examinations in each subject of at least two hours' duration, spent under the personal instruction of a member of The North Carolina State Bar who, at the beginning of his instruction of the applicant, has been a licensed practitioner in North Carolina for five years.

Study in the summer session of any law school approved by the Board shall count for the same part as a year's study within the meaning of this rule, as it is counted toward graduation under the regulations of that school.

11. Approved Law School.—The law schools maintained by the University of North Carolina, Duke University, Wake Forest College and North Carolina College at Durham hereby are approved; other law schools will be approved if and when they satisfy the Board that their standards, work, and equipment are substantially the equivalent of those of one or the other of the above-mentioned law schools. The Board from time to time may withdraw approval from such schools or from law schools previously approved or hereafter approved if and when it determines that they do not conform to the requirements of the Board.

12. Examinations.—Unless otherwise ordered and announced, there shall be held one examination each year of those applying to be admitted to the practice of law in North Carolina; it shall be held in the City of Raleigh and shall commence on the first Tuesday in August. No applicant other than one applying for admission by comity will be admitted to the practice of law unless he has been found by the Board duly to have passed an examination given in accordance with these rules. The Board hereby is vested with the authority to determine what shall constitute the passing of an examination.

The examinations will deal with the following subjects: Business Associations (including agency, corporations, and partnerships), Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Legal Ethics, Real Property, Security Transactions (including suretyship, personal property security and real estate security), Taxation, Torts, Trusts, Wills and Decedents' Estates, Equity and Negotiable Instruments. The amendment adding Equity and Negotiable Instruments to apply beginning with the 1965 examinations.

Editor's Note.—The first amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1, 1958, and by the Supreme Court on June 30, 1958. The amendment deleted the part of the section relating to the examinations to be given until August, 1958, and made other changes.

The second amendment to this rule was certified by the Secretary of the North Carolina State Bar on November 6, 1963, and by the Supreme Court on November 19, 1963. The amendment added Equity and Negotiable Instruments to the subjects to be dealt with in the examinations, and also added the last sentence of the rule.

13. Protest.—Any person may protest the application of any applicant to be admitted to the practice of law either by examination or as a matter of comity. Such protest shall be made in writing, signed by the person making the protest, and bearing his home and business address, and shall be filed with the Secretary of the Board prior to the date on which the applicant is to be examined. The Secretary shall notify immediately the applicant of the protest and of the charges therein made; and the applicant thereupon may withdraw as a candidate for admission to the practice of law at that examination; but, in case his withdrawal in writing is not received by the Secretary by noon of the Saturday preceding the examination, he shall not be allowed thereafter to withdraw, and the person making the protest and the applicant in question shall appear before the Board at 10 o'clock a.m. on the Monday preceding the examination, whereupon the Board shall proceed forthwith to hear the matter and to make such disposition thereof as in its judgment seems just and in accordance with these rules and with the laws of North Carolina. The protest shall not be made public until the final disposition of the matter has been determined adversely to the applicant, and unless the applicant perfects an appeal from the orders of the Board or requests in writing that the Board make public its final order.

14. Affidavits Not Conclusive. — No certificates, affidavits or other material furnished by the applicant shall be conclusive upon the Board as to the facts stated therein or as to other representations made thereby; and it shall make such investigation as it sees fit into the character of an applicant and the facts relating to the question as to whether or not he has complied with these rules; and if it desires, it may require the applicant to appear in person before it, or before some member of the Board designated by it, or the Secretary, before, at, or after the time of the examination which the applicant is seeking to take, for the purpose of eliciting from him additional information. All information furnished to the Board by an applicant, and all answers and questions upon blanks furnished by the Board, shall be deemed material. Actions of the Board adverse to the applicant shall not be made public unless the applicant perfects an appeal from the orders of the Board or requests in writing that the Board make public its final order.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1, 1958, and by the Supreme Court on June 30, 1958. The amendment rewrote the first part of the first sentence.

15. Effect of Civil or Criminal Proceedings, Charges, Investigations or Disciplinary Proceedings.—No one who has been suspended or disbarred from practicing law in this or any other State, or by any Federal Court, and whose sentence of suspension has not expired or whose sentence of disbarment has not been rescinded, and whose license to practice has not been restored, or against whom there are pending in any State or Federal Court charges, or proceedings undisposed of relating to his professional conduct shall be allowed to stand any examination or admitted to practice law in this State by comity or otherwise. No one shall be admitted to practice law in this State by examination or comity who fails to disclose fully to the Board whether requested to do so or not, the facts relating to any disciplinary proceedings or charges, relating to his professional conduct, whether same have been terminated or not, in this or any other State, or any Federal Court or other jurisdiction, nor anyone who fails to disclose fully to the Board, whether requested to do so or not, any and all facts relating to any civil or criminal proceedings, charges, or investigations, whether the same have been terminated or not, in this or any other State or in any of the Federal Courts or other jurisdictions.

16. Comity.—Any person duly licensed to practice law in another State may be licensed to practice law in this State without examination, in the discretion of the Board, if attorneys who are licensed in this State may be licensed without examination in the State in which he was licensed, upon the applicant's furnishing to the Board a certificate from a member of the court of last resort of such State that he is duly licensed to practice law therein, and that within eight years prior to filing application he has been actively and substantially engaged in the practice of law before the Courts of said State for five years or more, is in good professional standing, with no charges undisposed of against him as to professional conduct, and is of good moral character and a proper person to be licensed to practice law, together with a certificate from at least two practicing attorneys of such State, practicing in the court of last resort, and at least two persons who are not attorneys, as to the applicant's good moral character, whose signature shall be attested by the clerk of the court; and upon the applicant's satisfying the Board that he has complied with the provisions of Rule 4 relating to citizenship and residence in North Carolina. Full-time teachers in an approved law school may submit to the Board records of 5 years of such teaching in their licensing State in lieu of five years practice and the Board may consider the same in its discretion. The Board may require certificates and affidavits from attorneys and other residents of this State and may make such inquiry and investigation as they may desire into the character, conduct, practice and qualifications of the applicant. No certificates, affidavits or other material furnished by the applicant shall be conclusive upon the Board as to the facts stated therein or as to other representations made thereby. An applicant under this rule of admission by comity shall be bound by the actions and decisions of the Board, which actions shall be in the sole discretion of the Board and its actions on such applications shall be final.

Applicants for admission to practice law under this rule shall be required to deposit with the Secretary of the Board the sum of $200.00 and if the Board finds it necessary to make investigations of the applicant, the cost of which shall exceed the sum of $50.00 then in such event actual cost in excess of such amount shall be paid by the applicant upon notice given to him by the Board. No license shall be issued to any applicant for admission under this rule except at the time of the annual examination of applicants after the filing of applications as required by Rule 3, and after determination of any protest that may be filed under Rule 13, provided that the Board when in session at any other time may grant an interim permission to such applicant to practice law until license shall be issued or declined if such applicant previously complied with all the requirements of these rules. An applicant under this rule for admission by comity shall be bound by the decision of the Board. The decision shall be made in the discretion of the Board and such decision shall be final.

Editor's Note.—The amendment to this rule was certified by the Secretary of the North Carolina State Bar on March 1, 1958, and by the Supreme Court on June 30, 1958. The amendment inserted the words "in the discretion of the Board" in lines two and three, substituted "within eight years" for "immediately" in lines six and seven, and made other changes in the first paragraph.

17. Fees.—(a) Each person registering in accordance with Rule 6 shall pay, at the time of registering, to the Secretary $3.00; or in the case of petitions for deferred registration, the sum of $8.00.

(b) All applicants to take examinations of the Board shall pay to the Secretary at the time of filing application the sum of $60.00.

(c) The fee for comity applicants shall be as set forth in Rule 16; the cost for examinations as to pre-legal education shall be as set forth in Rule 7, and the costs of appeals by applicants shall be in accordance with Rule 19.

18. Issuance of License.—Upon compliance with the rules of the Board its orders entered therein and upon its instructions to the Secretary of the Board, he shall issue a certificate to practice law in North Carolina to such applicants as may be designated by the Board in the form and manner as may be prescribed by the Board and at such times as prescribed by the Board

19. Appeals.—(a) Any applicant may appeal from an adverse ruling or determination of the Board of Law Examiners as to his eligibility to take the bar examination. After an applicant has successfully passed the bar examination, he may appeal from any adverse ruling or determination withholding his license from him.

(b) Any appealing applicant, within ten days after notice of such ruling or determination, shall give notice of appeal in writing and file with the Secretary of the Board his written exceptions to the ruling or determination, which exceptions shall state the grounds of objection to such ruling or determination.

(c) The record on appeal to the Superior Court shall consist of the following—

(1) The papers filed by the applicant with the Board under its rules
(2) A certified copy of the evidence taken by the Board upon the question or questions appealed.
(3) The rulings and determinations of the Board.
(4) The notice of appeal.
(5) The exceptions.

Within sixty days of receipt of the exceptions filed by the applicant with the Board the Secretary of the Board shall certify such record at the expense of the applicant.

(d) Such appeal shall lie to the Superior Court of Wake County and shall be heard by the presiding judge, without a jury. The findings of fact by the Board, when supported by evidence or reliable information, shall be conclusive and binding upon the Court. If the Court is of the opinion that the Board was in error, it shall so specify and remand the matter to the Board which may appeal as hereinafter provided. Said appeal shall operate as a supersedeas. In case no appeal is taken by the Board, it shall proceed in accordance with the judgment of the Court.

(e) The said applicant, or the Board of Law Examiners, may appeal to the Supreme Court from any order or judgment of the Superior Court. If the said cause is remanded by the Supreme Court to the Superior Court, then the Superior Court shall remand the same to the Board of Law Examiners, to be proceeded with in accordance with the opinion of the Supreme Court.

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2-52. Amended by Session Laws 1961, c. 377
6-21. Amended by Session Laws 1965, c. 633; 1967, c. 993, s. 2; c. 1152, s. 5.
6-21.1. Amended by Session Laws 1963, c. 1193; 1967, c 927.
6-52. Amended by Session Laws 1961, c. 676.

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7-1 to 7-29. Repealed by Session Laws 1967, c. 108, s. 12.

7-29.1. Repealed by Session Laws 1965, c. 310, s. 4.

7-30 to 7-39.15. Repealed by Session Laws 1967, c. 108, s. 12.

7-40. Amended by Session Laws 1961, c. 730, s. 5.

7-42. Amended by Session Laws 1961, c. 957, s. 2; 1963, c. 839, s. 2; 1965, c. 921, s. 2; 1967, c. 691, s. 40.

7-43.1 to 7-43.3. Repealed by Session Laws 1965, c. 310, s. 4.

7-44. Amended by Session Laws 1961, c. 984; 1963, c. 839, s. 3; 1965, c. 1009, s. 1; 1967, c. 1049, s. 2.

7-45. Amended by Session Laws 1965, c. 1009, s. 2; 1967, c. 1049, s. 3.

7-50 to 7-51.2. Repealed by Session Laws 1967, c. 108, s. 12.

7-54. Amended by Session Laws 1961, c. 34; 1963, c. 1170.

7-62. Amended by Session Laws 1961, c. 50.

7-64. Amended by Session Laws 1963, c. 408; 1967, c. 620.

7-68. Amended by Session Laws 1961, c. 730, ss. 1-4½.

7-68.1. Amended by Session Laws 1965, c. 654, s. 1.

7-68.3. Amended by Session Laws 1965, c. 654, s. 3.

7-70, 7-70.1. Repealed by Session Laws 1967, c. 108, s. 12.

7-71 to 7-71.2. Repealed by Session Laws 1967, c. 108, s. 12.

7-75. Repealed by Session Laws 1967, c. 108, s. 12.

7-79. Repealed by Session Laws 1967, c. 108, s. 12.

7-89. Amended by Session Laws 1961, c. 844; 1967, c. 1121.

7-92.1. Amended by Session Laws 1967, c. 626.

7-92.2. Amended by Session Laws 1961, c. 595; 1965, c. 73; 1967, c. 635.

7-92.4. Repealed by Session Laws 1967, c. 691, s. 59.

7-104. Amended by Session Laws 1967, c. 962, ss. 1, 2.

7-106. Amended by Session Laws 1967, c. 962, s. 3.

7-120.1 to 7-120.11. Repealed by Session Laws 1967, c. 691 s. 59.

7-122. Amended by Session Laws 1963, c. 383.

7-134. Amended by Session Laws 1963, c. 1073, s. 1.

7-134.6. Amended by Session Laws 1961, cc. 389, 499, 578, 736

7-247. Amended by Session Laws 1963, c. 487.

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7-296. Amended by Session Laws 1965, c. 1198.

7-297 to 7-383. Repealed by Session Laws 1967, c. 691, s. 59.

7-383.1 to 7-383.33. Repealed by Session Laws 1967, c. 691, s. 59.

7A-5. Amended by Session Laws 1967, c. 108, s. 1.

7A-6. Amended by Session Laws 1967, c. 691, s. 57.

7A-39.1. Amended by Session Laws 1967, c. 691, s. 1.

7A-43.1. Amended by Session Laws 1967, c. 691, s. 2.

7A-43.2. Amended by Session Laws 1967, c. 691, s. 3.

7A-43.3. Amended by Session Laws 1967, c. 691, s. 4.

7A-101. Amended by Session Laws 1967, c. 691, s. 5.

7A-104. Amended by Session Laws 1967, c. 691, s. 6.

7A-105. Amended by Session Laws 1967, c. 691, s. 7.

7A-133. Amended by Session Laws 1967, c. 691, s. 8.

7A-134. Amended by Session Laws 1967, c. 691, s. 9; c. 1164.

7A-143. Amended by Session Laws 1967, c. 108, s. 3.

7A-144. Amended by Session Laws 1967, c. 691, s. 10.

7A-148. Amended by Session Laws 1967, c. 691, s. 11.

7A-160. Amended by Session Laws 1967, c. 1049, s. 4.

7A-161. Amended by Session Laws 1967, c. 691, s. 12.

7A-164. Amended by Session Laws 1967, c. 691, s. 13.

7A-165. Amended by Session Laws 1967, c. 691, s. 14.

7A-171. Amended by Session Laws 1967, c. 691, s. 15.

7A-173. Amended by Session Laws 1967, c. 108, s. 4.

7A-180. Amended by Session Laws 1967, c. 691, s. 16.

7A-181. Amended by Session Laws 1967, c. 691, s. 17.

7A-182. Amended by Session Laws 1967, c. 691, s. 18.

7A-195. Amended by Session Laws 1967, c. 108, s. 5.

7A-211. Amended by Session Laws 1967, c. 1165.

7A-218. Amended by Session Laws 1967, c. 691, s. 20.

7A-223. Amended by Session Laws 1967, c. 691, s. 21.

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7A-227. Amended by Session Laws 1967, c. 24, s. 1.

7A-250. Amended by Session Laws 1967, c. 108, s. 6.

7A-255. Amended by Session Laws 1967, c. 691, s. 22.

7A-259. Amended by Session Laws 1967, c. 691, s. 23.

7A-260. Amended by Session Laws 1967, c. 108, s. 7.

7A-271. Amended by Session Laws 1967, c. 691, s. 24.

7A-280 to 7A-287. Repealed by Session Laws 1967, c. 108, s. 8.

7A-288. Amended by Session Laws 1967, c. 601, s. 1.

7A-292. Amended by Session Laws 1967, c. 691, s. 25.

7A-300. Amended by Session Laws 1967, c. 108, s. 9.

7A-304. Amended by Session Laws 1967, c. 601, s. 2; c. 691, ss. 27-29.

7A-305. Amended by Session Laws 1967, c. 108, s. 10; c. 691, s. 30.

7A-306. Amended by Session Laws 1967, c. 24, s. 2.

7A-307. Amended by Session Laws 1967, c. 691, s. 31.

7A-308. Amended by Session Laws 1967, c. 691, ss. 32, 33.

7A-311. Amended by Session Laws 1967, c. 691, s. 34.

7A-312. Amended by Session Laws 1967, c. 1169.

7A-317. Amended by Session Laws 1967, c. 691, s. 35.

7A-318. Amended by Session Laws 1967, c. 691, s. 35.

7A-341. Amended by Session Laws 1967, c. 691, s. 36.

7A-342. Amended by Session Laws 1967, c. 691, s. 37.

8-3. Amended by Session Laws 1967, c. 565.

8-6. Amended by Session Laws 1961, c. 740, s. 1.

8-7 Amended by Session Laws 1961, c. 740. s. 2.

8-34. Amended by Session Laws 1961. c. 739.

8-47. Amended by Session Laws 1965, c. 991.

8-50.1. Amended by Session Laws 1965, c. 618.

8-51. Amended by Session Laws 1967, c. 896, s. 1.

8-53.1. Amended by Session Laws 1963, c. 200; 1967, c. 794.

8-57. Amended by Session Laws 1967, c. 116.

8-61. Amended by Session Laws 1967, c. 1168.

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8-63. Amended by Session Laws 1965, c. 284.

8-71. Amended by Session Laws 1965, c. 183.

8-83. Amended by Session Laws 1965, c. 675.

9-27 to 9-31. Repealed by Session Laws 1967, c. 218, s. 1.

10-4. Amended by Session Laws 1967, c. 24, s. 22.

10-9. Amended by Session Laws 1961, c. 733.

10-12. Amended by Session Laws 1965, c. 37.

10-13. Amended by Session Laws 1961, c. 734.

11-11. Amended by Session Laws 1967, c. 218, s. 2.

14-1. Amended by Session Laws 1967, c. 1251, s. 1.

14-2. Amended by Session Laws 1967, c. 1251, s. 2.

14-3. Amended by Session Laws 1967, c. 1251, s. 3.

14-12.12. Amended by Session Laws 1967, c. 522, ss. 1, 2.

14-12.14. Amended by Session Laws 1967, c. 522, s. 3.

14-12.15. Amended by Session Laws 1967, c. 602.

14-20. Amended by Session Laws 1965, c. 649.

14-44. Amended by Session Laws 1967, c. 367, s. 1.

14-59. Amended by Session Laws 1965, c. 14.

14-60. Amended by Session Laws 1965, c. 870.

14-72. Amended by Session Laws 1961, c. 39, s. 1; 1965, c. 621, s. 5.

14-73. Amended by Session Laws 1961, c 39, s. 2.

14-81. Amended by Session Laws 1965, c. 621, s. 6.

14-90. Amended by Session Laws 1967, c. 819.

14-107. Amended by Session Laws 1961, c. 89; 1963, cc. 73, 547, 870; 1967, c. 49, s. 1; c. 661, s. 1.

14-112.1. Repealed by Session Laws 1967, c. 1088, s. 2.

14-113.1. Amended by Session Laws 1965, c. 1147; 1967, c. 1244, s. 1.

14-113.2. Amended by Session Laws 1965, c. 1147; 1967, c. 1244, s. 1.

14-113.3. Amended by Session Laws 1965, c. 1147; 1967, c. 1244, s. 1.

14-113.4. Amended by Session Laws 1965, c. 1147; 1967, c. 1244, s. 1.

14-113.6. Amended by Session Laws 1965, c. 1147.

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14-113.7. Amended by Session Laws 1965, c. 1147.

14-120. Amended by Session Laws 1961, c. 94.

14-127. Amended by Session Laws 1967, c. 1083.

14-128. Amended by Session Laws 1965, c. 300, s. 1.

14-129. Amended by Session Laws 1961, c. 1021; 1967, c. 355.

14-134. Amended by Session Laws 1963, c. 1106.

14-165. Amended by Session Laws 1965, c. 1073, s. 1.

14-166. Amended by Session Laws 1965, c. 1073, s. 2.

14-167. Amended by Session Laws 1965, c. 1073, s. 3.

14-168. Amended by Session Laws 1965, c. 1073, s. 4.

14-177. Amended by Session Laws 1965, c. 621, s. 4.

14-178. Amended by Session Laws 1965, c. 132.

14-189.1. Amended by Session Laws 1965, c. 164.

14-196. Amended by Session Laws 1967, c. 833, s. 1.

14-196.1, 14-196.2. Repealed by Session Laws 1967, c. 833, s. 3.

14-197. Amended by Session Laws 1963, cc. 39, 123.

14-214. Amended by Session Laws 1967, c. 1088, s. 1.

14-250. Amended by Session Laws 1961, c. 1195; 1965, c. 1186.

14-269. Amended by Session Laws 1965, c. 954, s. 1.

14-269.1. Amended by Session Laws 1967, c. 24, s. 3.

14-278. Amended by Session Laws 1967, c. 1082, s. 1.

14-279. Amended by Session Laws 1967, c. 1082, s. 2.

14-286. Amended by Session Laws 1961, c. 594.

14-293. Amended by Session Laws 1967, c. 101, s. 1.

14-306. Amended by Session Laws 1967, c. 1219.

14-316. Amended by Session Laws 1965, c. 813.

14-317. Amended by Session Laws 1967, c. 1089.

14-320. Amended by Session Laws 1965, c. 356.

14-329. Amended by Session Laws 1961, c. 897.

14-335. Amended by Session Laws 1961, cc. 464, 543, 545, 546, 632, 927; 1963 cc. 38, 282, 331, 341, 410, 626, 724; 1965, cc. 39, 44, 265, 595; 1967, cc. 144, 420; c. 661, s. 2; c. 733; c. 1256, s. 1.

14-346.1. Amended by Session Laws 1963, c. 260; 1967, c. 746.

14-346.2. Amended by Session Laws 1963, c. 488.

14-373. Amended by Session Laws 1961, c. 1054, s. 1.

14-374. Amended by Session Laws 1961, c. 1054, s. 2.

14-375. Amended by Session Laws 1961, c. 1054, s. 3.

14-376. Amended by Session Laws 1961, c. 1054, s. 4.

14-377. Amended by Session Laws 1961, c. 1054, s. 5.

14-379. Amended by Session Laws 1961, c. 1054, s. 6.

14-390. Amended by Session Laws 1961, c. 394, s. 1.

14-401.5. Amended by Session Laws 1961, c. 271.

14-409. Amended by Session Laws 1965, c. 1200.

15-4.1. Amended by Session Laws 1963, c. 1080, s. 1.

15-5. Amended by Session Laws 1963, c. 1080, s. 2.

15-6.1. Amended by Session Laws 1967, c. 996, s. 16.

15-10.1. Amended by Session Laws 1967, c. 996, s. 13.

15-10.2. Amended by Session Laws 1967, c. 996, s. 15.

15-10.3. Amended by Session Laws 1967, c. 996, s. 15.

15-12. Amended by Session Laws 1965, c. 807, s. 1.

15-25.1. Amended by Session Laws 1961, c. 453.

15-26. Amended by Session Laws 1961, c. 1069.

15-53. Amended by Session Laws 1967, c. 165, s. 1.

15-102. Amended by Session Laws 1963, c. 1099, s. 1.

15-103. Amended by Session Laws 1963, c. 1099, s. 2.

15-107.1. Amended by Session Laws 1963, c. 118.

15-163 to 15-165. Repealed by Session Laws 1967, c. 218, s. 4.

15-167. Amended by Session Laws 1961, c. 181.

15-181. Amended by Session Laws 1963, c. 954.

15-197. Amended by Session Laws 1963, c. 632, s. 1.

15-199. Amended by Session Laws 1963, c. 54; c. 632, s. 2.

15-200. Amended by Session Laws 1961, c. 1185; 1967, c. 996, s. 13.

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15-200.1. Amended by Session Laws 1963, c. 632, s. 3.
15-200.2. Amended by Session Laws 1963, c. 20.
15-202. Amended by Session Laws 1963, c. 914, s. 1.
15-203. Amended by Session Laws 1963, c. 914, s. 2.
15-203.1. Repealed by Session Laws 1963, c. 914, s. 6.
15-206. Amended by Session Laws 1961, c. 139, s. 2.
15-210 to 15-216. Repealed by Session Laws 1967, c. 996, s. 17.
15-217. Amended by Session Laws 1965, c. 352, s. 1; 1967, c. 996, s. 13.
15-218. Amended by Session Laws 1965, c. 352, s. 1.
15-219. Amended by Session Laws 1963, c. 1180; 1965, c. 352, s. 1.
15-220. Amended by Session Laws 1965, c. 352, s. 1.
15-221. Amended by Session Laws 1965, c. 352, s. 1.
15-222. Amended by Session Laws 1965, c. 352, s. 1; 1967, c. 108, s. 11; c. 523, ss. 1, 2.
17-39 to 17-40. Repealed by Session Laws 1967, c. 1153, s. 1.
18-11. Amended by Session Laws 1967, c. 222, s. 4.
18-15. Amended by Session Laws 1967, c. 222. s. 5.
18-32. Amended by Session Laws 1963, c. 932; 1967, c. 222, s. 6.
18-37. Amended by Session Laws 1965, c. 1102, s. 1.
18-38. Amended by Session Laws 1963, c. 916, s. 1; 1965, c. 1102, s. 2.
18-39. Amended by Session Laws 1961, c. 956; 1963, c. 916, s. 2; c. 1119, s. 1; 1965, c. 1063; c. 1102, s. 3; 1967, c. 222, s. 2; c. 1240, s. 1.
18-39.1. Amended by Session Laws 1963, c. 426, s. 1.
18-39.2. Amended by Session Laws 1963, c. 426, s. 2; 1967, c. 868.
18-45. Amended by Session Laws 1963, c. 1119, s. 2; 1967, c. 1178.
18-49. Amended by Session Laws 1967, c. 222, s. 7.
18-49.1. Amended by Session Laws 1965, c. 1102, s. 4.
18-51. Amended by Session Laws 1967, c. 222, s. 1; c. 1256, s. 3.
18-51.1. Amended by Session Laws 1967, c. 1176.
18-58. Amended by Session Laws 1967, c. 222, s. 8.
18-67. Amended by Session Laws 1967, c. 162, s. 1; c. 867, s 1.

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18-73. Amended by Session Laws 1967, c. 1110, s. 10.
18-75. Amended by Session Laws 1963, c. 426, s. 3; c. 1188.
18-78. Amended by Session Laws 1963, c. 426, ss. 4, 5.
18-78.1. Amended by Session Laws 1963, c. 426, s. 6.
18-79. Amended by Session Laws 1967, c. 162, s. 2.
18-81. Amended by Session Laws 1963, c. 460, s. 3; c. 992, s. 2; 1967, c. 162, s. 3; c. 759, ss. 1-20.
18-82. Amended by Session Laws 1967, c. 759, s. 21.
18-83.2. Amended by Session Laws 1967, c. 759, s. 22.
18-85. Amended by Session Laws 1961, c. 826, s. 1.
18-85.1. Amended by Session Laws 1967, c. 759, s. 23.
18-88.2. Amended by Session Laws 1967, c. 759, s. 24.
18-90.1. Amended by Session Laws 1967, c. 222, s. 3.
18-99. Amended by Session Laws 1963, c. 460, s. 2.
18-105. Amended by Session Laws 1963, c. 426, s. 7.
18-106. Amended by Session Laws 1963, c. 426, s. 8.
18-107. Amended by Session Laws 1963, c. 426, s. 9.
18-109. Amended by Session Laws 1963, c. 426, s. 10; c. 460. s. 1.
18-113. Amended by Session Laws 1963, c. 426, s. 11.
18-124. Amended by Session Laws 1963, c. 265, ss. 1, 2; 1965, c. 506.
18-127. Amended by Session Laws 1963, c. 265, s. 3.
18-127.1. Amended by Session Laws 1963, c. 265, s. 4.
18-128.1. Amended by Session Laws 1967, c. 867, s. 2.
18-129. Amended by Session Laws 1963, c. 426, s. 12.
18-130. Amended by Session Laws 1963, c. 119; c. 426, s. 12.
18-131. Amended by Session Laws 1963, c. 426, s. 12.
18-132. Amended by Session Laws 1963, c. 426. s. 12.
18-133. Amended by Session Laws 1963, c. 426, s. 12.
18-134. Amended by Session Laws 1963, c. 426. s. 12.
18-135. Amended by Session Laws 1963, c. 426. s. 12.
18-136. Amended by Session Laws 1963, c. 426, s. 12.

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18-137. Amended by Session Laws 1963, c. 426, s. 12.
18-138. Amended by Session Laws 1963, c. 426, s. 12.
18-139. Amended by Session Laws 1963, c. 426, s. 12.
18-140. Amended by Session Laws 1963, c. 426, s. 12.
18-141. Amended by Session Laws 1963, c. 426, s. 12.
18-142. Amended by Session Laws 1963, c. 426, s. 12.
18-144. Repealed by Session Laws 1963, c. 426, s. 12.
18-146. Amended by Session Laws 1963, c. 426, s. 13.
19-1. Amended by Session Laws 1967, c. 142.
20-4.6. Amended by Session Laws 1967, c. 1166.
20-6. Amended by Session Laws 1963, c. 160.
20-7. Amended by Session Laws 1963, cc. 754, 1007, 1022; 1965, c. 410, s. 5; 1967, c. 509.
20-8. Amended by Session Laws 1963, c. 1175.
20-9. Amended by Session Laws 1967, cc. 961, 966.
20-10. Amended by Session Laws 1967, c. 343, s. 4.
20-11. Amended by Session Laws 1963, c. 968, ss. 2, 2A; 1965, c. 410, s. 3; c. 1171; 1967, c. 694.
20-11.1. Repealed by Session Laws 1965, c. 410, s. 4.
20-13. Amended by Session Laws 1965, c. 897; 1967, c. 295, s. 1.
20-16. Amended by Session Laws 1961, c. 460, ss. 1, 2; 1963, c. 1115; 1965, c. 130; 1967, c. 16.
20-16.1. Amended by Session Laws 1965, c. 133.
20-16.2. Amended by Session Laws 1965, c. 1165.
20-17. Amended by Session Laws 1967, c. 1098, s. 2.
20-20. Amended by Session Laws 1967, c. 280.
20-24. Amended by Session Laws 1965, c. 38.
20-26. Amended by Session Laws 1961, c. 307.
20-28. Amended by Session Laws 1967, c. 447.
20-30. Amended by Session Laws 1967, c. 1098, s. 1.
20-38. Amended by Session Laws 1961, c. 835, s. 1; c. 1172, s. 1; 1963, c. 435; c. 702, s. 1; 1965, c. 83; c. 678, s. 1; c. 1025; 1967, cc. 201, 399; c. 1095, ss. 3, 4.

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20-42. Amended by Session Laws 1961, c. 861, s. 1; 1967, c. 691, s. 41; c. 1172.
20-50. Amended by Session Laws 1961, c. 360, s. 1; 1963, c. 552, s. 1.
20-51. Amended by Session Laws 1961, cc. 334, 817; 1963, c. 145; 1965, c. 1146.
20-52. Amended by Session Laws 1961, c. 835, ss. 2, 3.
20-52.1. Amended by Session Laws 1967, c. 863.
20-53. Amended by Session Laws 1965, c. 734, s. 2.
20-57. Amended by Session Laws 1961, c. 360, s. 2; c. 835, s. 5; 1963, c. 552, s. 2.
20-58. Amended by Session Laws 1961, c. 835, s. 6.
20-61. Amended by Session Laws 1961, c. 360, s. 3.
20-63. Amended by Session Laws 1961, c. 360, s. 4; c. 861, s. 2; 1963, c. 552, s. 6; c. 1071; 1965, c. 1088.
20-64. Amended by Session Laws 1961, c. 360, s. 5; 1963, cc. 1067, 1190; 1967, c. 995.
20-65. Amended by Session Laws 1961, c. 360, s. 6.
20-68. Amended by Session Laws 1961, c. 360, s. 7; c. 835, s. 7.
20-71.1. Amended by Session Laws 1961, c. 975.
20-72. Amended by Session Laws 1961, c. 360, s. 8; c. 835, s. 8; 1963, c. 552, ss. 3, 4.
20-73. Amended by Session Laws 1961, c. 360, s. 9.
20-74. Amended by Session Laws 1961, c. 360, s. 10.
20-75. Amended by Session Laws 1961, c. 835, s. 9; 1963, c. 552, s. 5; 1967, c. 760.
20-76. Amended by Session Laws 1961, c. 360, s. 11; c. 835, s. 10.
20-77. Amended by Session Laws 1961, c. 360, ss. 12, 13; 1967, c. 562, s. 8.
20-78. Amended by Session Laws 1961, c. 360, s. 14.
20-79. Amended by Session Laws 1961, c. 360, s. 15.
20-79.1. Amended by Session Laws 1963, c. 552, s. 8.
20-80. Amended by Session Laws 1961, c. 360, s. 16; 1967, c. 700.
20-81. Amended by Session Laws 1961, c. 360, s. 17.
20-81.1. Amended by Session Laws 1961, c. 360, s. 18.
20-82. Amended by Session Laws 1965, c. 106.
20-83. Amended by Session Laws 1961, c. 642, s. 4; 1967, c. 1090.

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20-86. Amended by Session Laws 1965, c. 659.

20-87. Amended by Session Laws 1961, c. 1172, s. 1a; 1965, c. 927; 1967, c. 1136.

20-88. Amended by Session Laws 1961, c. 685; 1963, c. 501; c. 702, ss. 2, 3; 1967, c. 1095, ss. 1, 2.

20-88.1. Amended by Session Laws 1965, c. 410, s. 1.

20-90. Amended by Session Laws 1967, c. 1079, s. 1.

20-91. Amended by Session Laws 1967, c. 1079, s. 2.

20-94. Amended by Session Laws 1967, c. 712.

20-101. Amended by Session Laws 1967, c. 1132.

20-105. Amended by Session Laws 1965, c. 193.

20-107. Amended by Session Laws 1965, c. 621, s. 1.

20-108. Amended by Session Laws 1965, c. 621, s. 2.

20-109. Amended by Session Laws 1965, c. 621, s. 3; 1967, c. 449.

20-111. Amended by Session Laws 1961, c. 360, s. 20.

20-114. Amended by Session Laws 1967, c. 862.

20-116. Amended by Session Laws 1963, c. 356, s. 1; c. 610, ss. 1, 2; c. 702, s. 4; c. 1027; 1965, c. 471; 1967, c. 24, s. 4; c. 710.

20-118. Amended by Session Laws 1963, c. 159; c. 610, ss. 3-5; c. 702, s. 5; 1965, cc. 483, 1044.

20-122. Amended by Session Laws 1965, c. 435.

20-123. Amended by Session Laws 1963, c. 356, s. 2; c. 1027, s. 2; 1965, c. 966.

20-124. Amended by Session Laws 1965, c. 1031; 1967, c. 1188.

20-125. Amended by Session Laws 1965, c. 257.

20-125.1. Amended by Session Laws 1963, c. 524.

20-126. Amended by Session Laws 1965, c. 368; 1967, c 282, s. 1; c. 674, s. 2; c. 1139.

20-127. Amended by Session Laws 1967, c. 1077.

20-129. Amended by Session Laws 1967, cc. 1076, 1213.

20-130.1. Amended by Session Laws 1967, c. 651, s. 1

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20-135.2. Amended by Session Laws 1963, c. 288.

20-139.1. Amended by Session Laws 1967, c. 123.

20-140.2. Amended by Session Laws 1967, c. 674, s. 1.

20-141. Amended by Session Laws 1961, cc. 99, 1147; 1963, cc. 134, 456, 949; 1967, c. 106.

20-141.1. Amended by Session Laws 1967, c. 448.

20-141.3. Amended by Sessions Laws 1961, c. 354; 1963, c. 318; 1967, c. 446.

20-146. Amended by Session Laws 1965, c. 678, s. 2.

20-154. Amended by Session Laws 1965, c. 768.

20-155. Amended by Session Laws 1967, c. 1053.

20-166. Amended by Session Laws 1965, c. 176; 1967, c. 445.

20-166.1. Amended by Session Laws 1963, c. 1249; 1965, c. 577.

20-169. Amended by Session Laws 1963, c. 559.

20-175. Amended by Session Laws 1965, c. 673.

20-176. Amended by Session Laws 1967, c. 674, s. 3.

20-179. Amended by Session Laws 1967, c. 510.

20-183. Amended by Session Laws 1961, c. 793; 1965, cc. 537, 999.

20-183.2. Amended by Session Laws 1965, c. 734, s. 1; 1967, c. 692, s. 1.

20-183.3. Amended by Session Laws 1965, c. 734, s. 1.

20-183.4. Amended by Session Laws 1965, c. 734, s. 1; 1967, c. 692, s. 2.

20-183.5. Amended by Session Laws 1965, c. 734, s. 1.

20-183.6. Amended by Session Laws 1965, c. 734, s. 1.

20-183.7. Amended by Session Laws 1965, c. 734, s. 1.

20-183.8. Amended by Session Laws 1965, c. 734, s. 1; 1967, c. 692, s. 3.

20-185. Amended by Session Laws 1961, c. 833, s. 6.2.

20-189. Amended by Session Laws 1965, c. 1159.

20-190. Amended by Session Laws 1961, c. 342.

20-217. Amended by Session Laws 1965, c. 370.

20-279.1. Amended by Session Laws 1967, c. 277, s. 1.

20-279.5. Amended by Session Laws 1967, c. 277, s. 2.

20-279.10. Amended by Session Laws 1967, c. 1227.

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20-279.13. Amended by Session Laws 1965, c. 926, s. 1.

20-279.15. Amended by Session Laws 1963, c. 1238; 1967, c. 277, s. 3.

20-279.17. Repealed by Session Laws 1967, c. 866.

20-279.21. Amended by Session Laws 1961, c. 640; 1965, c. 156; c. 674, s. 1; c. 898; 1967, c. 277, s. 4; c. 854; c. 1159, s. 1; c. 1162, s. 1; c. 1186, s. 1; c. 1246, s. 1.

20-279.25. Amended by Session Laws 1965, c. 358, s. 1; 1967, c. 277, s. 5.

20-279.34. Amended by Session Laws 1963, c. 1208, ss. 1, 2; 1967, c. 277, s. 6; c. 1155.

20-280. Amended by Session Laws 1965, c. 350, s. 1; 1967, c. 277, s. 7.

20-281. Amended by Session Laws 1965, c. 349, s. 1; 1967, c. 77, s. 8.

20-286. Amended by Session Laws 1967, c. 1126, s. 1; c. 1173.

20-294. Amended by Session Laws 1963, c. 1102; 1967, c. 1126, s. 2.

20-309. Amended by Session Laws 1963, c. 964, s. 1; 1965, c. 272; c. 1136, ss. 1, 2; 1967, c. 822, ss. 1, 2; c. 857, ss. 1, 2.

20-310. Amended by Session Laws 1963, c. 842, ss. 1-3; c. 964, s. 2; 1965, c. 1135; 1967, c. 857, s. 3.

20-310.1. Repealed by Session Laws 1963, c. 964, s. 3.

20-311. Amended by Session Laws 1963, c. 994, s. 4; 1965, c. 205; c. 1136, s. 3; 1967, c. 822, s. 3; c. 857, s. 4.

20-313. Amended by Session Laws 1963, c. 964, s. 5.

20-314. Amended by Session Laws 1963, c. 964, s. 7.

20-316. Repealed by Session Laws 1963, c. 964, s. 8.

20-319. Amended by Session Laws 1961, c. 276.

23-29. Amended by Session Laws 1967, c. 24, s. 5.

24-9. Amended by Session Laws 1965, c. 335.

25-1-201. Amended by Session Laws 1967, c. 562, s. 1.

25-2-106. Amended by Session Laws 1967, c. 24, s. 6.

25-2-207. Amended by Session Laws 1967, c. 562, s. 1.

25-2-208. Amended by Session Laws 1967, c. 24, s. 7.

25-2-501. Amended by Session Laws 1967, c. 24, s. 8.

25-2-702. Amended by Session Laws 1967, c. 562, s. 1.

25-2-704. Amended by Session Laws 1967, c. 24, s. 9.

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25-2-716. Amended by Session Laws 1967, c. 562, s. 1.

25-2-723. Amended by Session Laws 1967, c. 562, s. 1.

25-2-725. Amended by Session Laws 1967, c. 562, s. 1.

25-3-501. Amended by Session Laws 1967, c. 562, s. 1.

25-3-802. Amended by Session Laws 1967, c. 562, s. 1.

25-4-106. Amended by Session Laws 1967, c. 562, s. 1.

25-4-405. Amended by Session Laws 1967, c. 24, s. 10; c. 562, s. 1.

25-5-117. Amended by Session Laws 1967, c. 24, s. 11.

25-6-106. Repealed by Session Laws 1967, c. 562, s. 1.

25-6-107. Amended by Session Laws 1967, c. 562, s. 1.

25-6-108. Amended by Session Laws 1967, c. 562, s. 1.

25-6-109. Amended by Session Laws 1967, c. 562, s. 1.

25-7-209. Amended by Session Laws 1967, c. 562, s. 1.

25-7-301. Amended by Session Laws 1967, c. 24, s. 12.

25-9-103. Amended by Session Laws 1967, c. 562, s. 1.

25-9-105. Amended by Session Laws 1967, c. 562, s. 1.

25-9-106. Amended by Session Laws 1967, c. 562, s. 1.

25-9-203. Amended by Session Laws 1967, c. 562, s. 1.

25-9-204. Amended by Session Laws 1967, c. 562, s. 1.

25-9-302. Amended by Session Laws 1967, c. 562, s. 1.

25-9-306. Amended by Session Laws 1967, c. 562, s. 1.

25-9-312. Amended by Session Laws 1967, c. 24, s. 13.

25-9-313. Amended by Session Laws 1967, c. 562, s. 1.

25-9-403. Amended by Session Laws 1967, c. 562, s. 1.

25-9-404. Amended by Session Laws 1967, c. 562, s. 1.

25-9-405. Amended by Session Laws 1967, c. 24, s. 23.

25-9-406. Amended by Session Laws 1967, c. 24, s. 25.

25-9-407. Amended by Session Laws 1967, c. 562, s. 1.

25-9-408. Repealed by Session Laws 1967, c. 562, s. 1.

25-10-105. Repealed by Session Laws 1967, c. 562, s. 3.

25-10-107. Repealed by Session Laws 1967, c. 562, s. 5.

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28-2.1, 28-2.2. Repealed by Session Laws 1965, c. 815, s. 4.

28-10 to 28-12. Repealed by Session Laws 1961, c. 210, s. 2.

28-25. Amended by Session Laws 1965, c. 815, s. 2; 1967, c. 24, s. 14.

28-34. Amended by Session Laws 1967, c. 41, s. 1.

28-40. Amended by Session Laws 1967, c. 41, s. 1.

28-47. Amended by Session Laws 1961, c. 26, s. 1; c. 741, s. 1.

28-48. Amended by Session Laws 1961, c. 26, s. 2.

28-49. Amended by Session Laws 1961, c. 741, s. 2.

28-53. Amended by Session Laws 1961, c. 519; 1965, c. 1176, s. 1.

28-68.2. Amended by Session Laws 1967, c. 576, s. 1.

28-68.4. Repealed by Session Laws 1965, c. 576, s. 2.

28-81. Amended by Session Laws 1963, c. 291, s. 1.

28-83. Amended by Session Laws 1963, c. 449.

28-105. Amended by Session Laws 1967, c. 1066.

28-112. Amended by Session Laws 1961, c. 742.

28-113. Amended by Session Laws 1961, c. 741, s. 3.

28-166. Amended by Session Laws 1965, c. 815, s. 3.

28-167. Repealed by Session Laws 1965, c. 815, s. 4.

28-170. Amended by Session Laws 1961, cc. 362, 575.

28-175. Amended by Session Laws 1965, c. 631.

28-193 to 28-201. Repealed by Session Laws 1965, c. 815, s. 4.

29-2. Amended by Session Laws 1961, c. 958, s. 1.

29-10. Amended by Session Laws 1961, c. 958, s. 2.

29-12. Amended by Session Laws 1961, c. 83.

29-27. Amended by Session Laws 1961, c. 958, s. 3.

29-30. Amended by Session Laws 1961, c. 958, ss. 4-8; 1965, c. 848.

30-1. Amended by Session Laws 1961, c. 959, s. 1; 1965, c. 849, s. 1.

30-2. Amended by Session Laws 1961, c. 959, s. 2; 1965, c. 849, s. 1.

30-3. Amended by Session Laws 1961, c. 959, s. 3; 1965, c. 849, s. 1.

30-9. Repealed by Session Laws 1965, c. 853.

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30-15. Amended by Session Laws 1961, c. 316, s. 1; c. 749, s. 1.

30-16. Amended by Session Laws 1961, c. 749, s. 2.

30-17. Amended by Session Laws 1961, c. 316, s. 2; c. 749, s. 3.

30-18. Amended by Session Laws 1961, c. 749, s. 4.

30-19. Amended by Session Laws 1961, c. 749, s. 5.

30-20. Amended by Session Laws 1961, c. 749, s. 6.

30-21. Amended by Session Laws 1961, c. 749, s. 7.

30-22. Amended by Session Laws 1961, c. 749, s. 8.

30-23. Amended by Session Laws 1961, c. 749, s. 9.

30-26. Amended by Session Laws 1961, c. 749, s. 10.

30-27. Amended by Session Laws 1961, c. 749, s. 11.

30-29. Amended by Session Laws 1961, c. 749, s. 12.

30-30. Amended by Session Laws 1961, c. 749, s. 13.

31-1. Amended by Session Laws 1965, c. 303.

31-5.3. Amended by Session Laws 1967, c. 128.

31-27. Amended by Session Laws 1965, c. 995.

31-42. Amended by Session Laws 1965, c. 938, s. 1.

31-42.1, 31-42.2. Repealed by Session Laws 1965, c. 938, s. 2.

31A-1. Amended by Session Laws 1965, c. 850.

32-1. Amended by Session Laws 1965, c. 628, s. 2.

32-2. Amended by Session Laws 1965, c. 628, s. 2.

32-12. Amended by Session Laws 1965, c. 628, s. 2.

32-13. Amended by Session Laws 1965, c. 628, s. 2.

32-27. Amended by Session Laws 1967, c. 24, s. 15; c. 956.

33-1.1. Amended by Session Laws 1961, c. 186.

33-12. Amended by Session Laws 1967, c. 40, s. 1.

33-31. Amended by Session Laws 1967, c. 1084.

33-39. Amended by Session Laws 1965, c. 802.

33-41. Amended by Session Laws 1965, c. 411.

33-42.1. Amended by Session Laws 1961, cc. 292, 1066

33-48. Amended by Session Laws 1963, c. 999, s. 1.

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33-49. Amended by Session Laws 1963, c. 999, s. 2.
33-49.1. Amended by Session Laws 1961, c. 973.
33-50, 33-51. Repealed by Session Laws 1967, c. 218, s. 4.
33-56 to 33-66. Repealed by Session Laws 1965, c. 815, s. 4.
33-71. Amended by Session Laws 1961, c. 477; 1965, c. 992.
34-2. Amended by Session Laws 1961, c. 396, s. 1.
34-4. Amended by Session Laws 1967, c. 564, s. 1.
34-10. Amended by Session Laws 1961, c. 396, s. 2; 1967, c. 564, s. 5.
34-12. Amended by Session Laws 1967, c. 564, ss. 2, 5.
34-13. Amended by Session Laws 1967, c. 564, ss. 3, 4.
34-14. Amended by Session Laws 1961, c. 396, s. 3; 1967, c. 564, s. 5.
34-15. Amended by Session Laws 1967, c. 564, s. 5.
35-3. Amended by Session Laws 1963, c. 1184, s. 37.
35-12. Repealed by Session Laws 1965, c. 854.
35-30 to 35-35.2. Repealed by Session Laws 1963, c. 1184, s. 35.
35-36. Amended by Session Laws 1967, c. 138, s. 1.
35-37. Amended by Session Laws 1961, c. 186; 1967, c. 138, s. 2.
35-38. Amended by Session Laws 1961, c. 186; 1967, c. 138, s. 3.
35-39. Amended by Session Laws 1961, c. 186; 1967, c. 138, s. 4.
35-40. Amended by Session Laws 1963, c. 1166, s. 10.
35-44. Amended by Session Laws 1961, c. 186.
35-57. Amended by Session Laws 1967, c. 138, s. 5.
35-58 to 35-60. Repealed by Session Laws 1963, c. 1184, s. 36.
35-61. Amended by Session Laws 1963, c. 326; c. 1166, s. 10; c. 1184, s. 13.
35-62. Amended by Session Laws 1963, c. 1184, s. 13.
35-63. Amended by Session Laws 1963, c. 1184, s. 13.
35-64. Amended by Session Laws 1963, c. 1184, s. 12.
35-65. Amended by Session Laws 1963, c. 1184, s. 12.
35-66. Amended by Session Laws 1963, c. 1184, s. 12.
35-67. Amended by Session Laws 1963, c. 1184, s. 12.

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35-68. Amended by Session Laws 1963, c. 1184, ss. 12, 38.
35-69. Amended by Session Laws 1963, c. 1184, s. 12.
36-17. Amended by Session Laws 1965, c. 1177, s. 1.
36-18.1. Amended by Session Laws 1965, c. 1177, s. 2.
36-27. Amended by Session Laws 1963, c. 243, ss. 1, 2.
37-5. Amended by Session Laws 1965, c. 629.
38-4. Amended by Session Laws 1967, c. 33.
39-3. Repealed by Session Laws 1961, c. 52.
39-7. Amended by Session Laws 1965, c. 855.
39-12. Amended by Session Laws 1965, c. 856.
39-13. Amended by Session Laws 1965, c. 852.
39-13.2. Amended by Session Laws 1961, c. 184; 1965, c. 851; c. 878, s. 2.
39-13.3. Amended by Session Laws 1965, c. 878, s. 3.
39-23. Repealed by Session Laws 1965, c. 700, s. 2.
39-24. Amended by Session Laws 1965, c. 809.
40-2. Amended by Session Laws 1961, c. 247.
41-2.1. Amended by Session Laws 1963, c. 779.
42-27. Amended by Session Laws 1961, c. 25.
43-6. Amended by Session Laws 1963, c. 946, s. 1.
43-49. Amended by Session Laws 1963, c. 946, s. 2.
44-2 to 44-5. Repealed by Session Laws 1967, c. 1029, s. 2.
44-15 to 44-27. Repealed by Session Laws 1967, c. 1029, s. 2.
44-28, 44-29. Repealed by Session Laws 1967, c. 562, s. 6.
44-30 to 44-37.1. Repealed by Session Laws 1967, c. 1029, s. 2.
44-38.1. Repealed by Session Laws 1967, c. 562, s. 7.
44-43. Amended by Session Laws 1961, c. 972.
44-49. Amended by Session Laws 1967, c. 1204, s. 1.
44-52 to 44-64. Repealed by Session Laws 1965, c. 700, s. 2.
44-66. Amended by Session Laws 1963, c. 544.
44-70 to 44-85. Repealed by Session Laws 1965, c. 700, s. 2.
45-1 to 45-3.1. Repealed by Session Laws 1967, c. 562, s. 2.

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45-7. Amended by Session Laws 1967, c. 562, s. 2.

45-8. Amended by Session Laws 1967, c. 562, s. 2.

45-10. Amended by Session Laws 1967, c. 562, s. 2.

45-11. Amended by Session Laws 1967, c. 562, s. 2.

45-18. Amended by Session Laws 1963, c. 241; 1967, c. 945.

45-21.1. Amended by Session Laws 1967, c. 562, s. 2.

45-21.5, 45-21.6. Repealed by Session Laws 1967, c. 562, s. 2.

45-21.11. Amended by Session Laws 1967, c. 562, s. 2.

45-21.12. Amended by Session Laws 1967, c. 562, s. 2.

45-21.13. Repealed by Session Laws 1967, c. 562, s. 2.

45-21.16. Amended by Session Laws 1967, c. 562, s. 2.

45-21.17. Amended by Session Laws 1965, c. 41; 1967, c. 979, s. 3.

45-21.18, 45-21.19. Repealed by Session Laws 1967, c. 562, s. 2.

45-21.20. Amended by Session Laws 1967, c. 562, s. 2.

45-21.21. Amended by Session Laws 1967, c. 562, s. 2.

45-21.25. Repealed by Session Laws 1967, c. 562, s. 2.

45-21.27. Amended by Session Laws 1963, c. 377; 1967, c. 979, s. 3.

45-21.29. Amended by Session Laws 1965, c. 299; 1967, c. 979, s. 3.

45-21.30. Amended by Session Laws 1967, c. 562, s. 2.

45-21.31. Amended by Session Laws 1967, c. 562, s. 2.

45-21.36. Amended by Session Laws 1967, c. 562, s. 2.

45-21.38. Amended by Session Laws 1961, c. 604; 1967, c. 562, s. 2.

45-21.43. Amended by Session Laws 1961, c. 537.

45-21.44. Amended by Session Laws 1963, c. 1157.

45-37. Amended by Session Laws 1967, c. 765, ss. 1-5.

45-37.2. Amended by Session Laws 1967, c. 765, s. 6.

45-38. Amended by Session Laws 1963, c. 1021, s. 2.

45-40. Amended by Session Laws 1965, c. 771.

45-42. Amended by Session Laws 1963, c. 193.

45-46 to 45-66. Repealed by Session Laws 1965, c. 700, s. 2.

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46-3. Amended by Session Laws 1963, c. 291, s. 3.

46-20. Amended by Session Laws 1965, c. 804.

47-2. Amended by Session Laws 1967, c. 949.

47-14. Amended by Session Laws 1967, c. 639, s. 1.

47-17.1. Amended by Session Laws 1961, cc. 789, 1167; 1965, cc. 160, 597, 830; 1967, c. 42; c. 639, s. 2; c. 658.

47-20. Amended by Session Laws 1965, c. 700, s. 8; 1967, c. 562, s. 5.

47-20.2. Amended by Session Laws 1961, c. 835, s. 12; 1965, c. 700, s. 8.

47-30. Amended by Session Laws 1961, cc. 7, 111, 164, 199, 252, 660, 687, 932, 1122; 1963, c. 71, ss. 1, 2; cc. 180, 236; c. 361, s. 1; c. 403; 1965, c. 139, s. 1; 1967, c. 228, s. 2; c. 394.

47-30.1. Amended by Session Laws 1961, c. 985.

47-32. Amended by Session Laws 1961, cc. 7, 111, 164, 252, 687, 932, 1122; 1963, c. 71, s. 3; c. 236; c. 361, s. 2; 1965, c. 139, s. 2.

47-32.2. Amended by Session Laws 1961, cc. 7, 111, 164, 252; c. 535, s. 1; cc. 687, 932, 1122; 1963, c. 236; c. 361, s. 3; 1965, c. 139, s. 3.

47-37. Amended by Session Laws 1967, c. 639, s. 3.

47-39. Amended by Session Laws 1967, c. 24, s. 26.

47-43.2. Amended by Session Laws 1961, c. 237.

47-48. Amended by Session Laws 1965, c. 1001.

47-50. Amended by Session Laws 1961, c. 79.

47-53. Amended by Session Laws 1965, c. 500.

47-53.1. Amended by Session Laws 1963, c. 412.

47-54. Amended by Session Laws 1963, c. 203.

47-56. Amended by Session Laws 1963, c. 1014.

47-71.1. Amended by Session Laws 1963, c. 1015.

47-72. Amended by Session Laws 1963, c. 1094.

47-115.1. Amended by Session Laws 1967, c. 1087.

48-2. Amended by Session Laws 1961, c. 241.

48-4. Amended by Session Laws 1963, c. 699; 1967, c. 619, ss. 1-3; c. 693.

48-9. Amended by Session Laws 1961, c. 186.

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48-11. Amended by Session Laws 1961, c. 186.

48-15. Amended by Session Laws 1961, c. 186.

48-16. Amended by Session Laws 1961, c. 186.

48-19. Amended by Session Laws 1961, c. 186.

48-20. Amended by Session Laws 1961, c. 186.

48-21. Amended by Session Laws 1961, cc. 186, 381; 1967, c. 19; c. 619, s. 4.

48-23. Amended by Session Laws 1963, c. 967; 1967, c. 619, s. 5.

48-24. Amended by Session Laws 1967, c. 619, ss. 6, 7.

48-25. Amended by Session Laws 1961, c. 186.

48-28. Amended by Session Laws 1961, c. 186.

48-29. Amended by Session Laws 1967, c. 1042, ss. 1-3.

49-5. Amended by Session Laws 1961, c. 186.

49-11. Amended by Session Laws 1963, c. 1131.

50-5. Amended by Session Laws 1963, c. 1173; 1967, c. 1152, s. 8.

50-6. Amended by Session Laws 1965, c. 636, s. 2.

50-7. Amended by Session Laws 1967, c. 1152, s. 7.

50-8. Amended by Session Laws 1965, c. 636, s. 3; c. 751, s. 1; 1967, c. 50.

50-10. Amended by Session Laws 1963, c. 540, ss. 1, 2; 1965, c. 105; c. 636, s. 4.

50-11. Amended by Session Laws 1967, c. 1152, s. 3.

50-13. Repealed by Session Laws 1967, c. 1153, s. 1.

50-14. Repealed by Session Laws 1967, c. 1152, s. 1.

50-15. Repealed by Session Laws 1967, c. 1152, s. 1.

50-16. Repealed by Session Laws 1967, c. 1152, s. 1; c. 1153, s. 1.

51-1. Amended by Session Laws 1965, c. 152.

51-2. Amended by Session Laws 1961, c. 186; 1967, c. 957, s. 1.

51-3. Amended by Session Laws 1961, c. 367.

51-6. Amended by Session Laws 1967, c. 957, ss. 6, 9.

51-7. Amended by Session Laws 1967, c. 957, s. 5.

51-8. Amended by Session Laws 1967, c. 957, s. 2.

51-8.1. Repealed by Session Laws 1967, c. 53.

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51-9. Amended by Session Laws 1967, c. 137, s. 1; c. 957, s. 11.

51-10. Amended by Session Laws 1967, c. 957, s. 12.

51-11. Amended by Session Laws 1967, c. 957, s. 13.

51-12. Amended by Session Laws 1967, c. 137, s. 2.

51-14. Repealed by Session Laws 1967, c. 957, s. 3.

51-15. Amended by Session Laws 1967, c. 957, s. 4.

51-16. Amended by Session Laws 1967, c. 957, s. 7.

51-18. Amended by Session Laws 1963, c. 429; 1967, c. 957, s. 8.

51-21. Amended by Session Laws 1967, c. 957, s. 10.

52-1. Amended by Session Laws 1965, c. 878, s. 1.

52-2. Amended by Session Laws 1965, c. 878, s. 1.

52-3. Amended by Session Laws 1965, c. 878, s. 1.

52-4. Amended by Session Laws 1965, c. 878, s. 1.

52-5. Amended by Session Laws 1965, c. 878, s. 1.

52-6. Amended by Session Laws 1965, c. 878, s. 1.

52-7. Amended by Session Laws 1965, c. 878, s. 1.

52-8. Amended by Session Laws 1965, c. 207; c. 878, s. 1; 1967, c. 1183, s. 1.

52-9. Amended by Session Laws 1965, c. 878, s. 1.

52-10. Amended by Session Laws 1965, c. 878, s. 1.

52-10.1. Amended by Session Laws 1965, c. 803.

52-11. Amended by Session Laws 1965, c. 878, s. 1.

52-12. Amended by Session Laws 1963, c. 909, ss. 1, 4; 1965, c. 878, s. 1.

52-19 to 52-21. Repealed by Session Laws 1961, c. 210, s. 2.

53-1. Amended by Session Laws 1967, c. 789, s. 21.

53-2. Amended by Session Laws 1963, c. 793, s. 2; 1967, c. 789, s. 1.

53-4. Amended by Session Laws 1963, c. 793, s. 1; 1967, c. 789, s. 2.

53-5. Amended by Session Laws 1967, c. 823, s. 3.

53-10. Amended by Session Laws 1965, c. 1032; 1967, c. 789, s. 3.

53-12. Amended by Session Laws 1967, c. 789, s. 4.

53-43. Amended by Session Laws 1961, c. 954; 1967, c. 789, s. 6.

53-45 Amended by Session Laws 1961, c. 291.

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53-46. Amended by Session Laws 1967, c. 789, s. 8.

53-48. Amended by Session Laws 1967, c. 789, s. 9.

53-50. Amended by Session Laws 1967, c. 789, s. 10.

53-57, 53-58. Repealed by Session Laws 1965, c. 700, s. 2.

53-62. Amended by Session Laws 1963, c. 793, s. 3; 1967, c. 789, s. 11.

53-67. Amended by Session Laws 1965, c. 188; 1967, c. 789, s. 12.

53-77.2. Amended by Session Laws 1967, c. 789, s. 13.

53-84. Amended by Session Laws 1967, c. 789, s. 14.

53-91. Amended by Session Laws 1967, c. 789, s. 15.

53-92. Amended by Session Laws 1961, c. 547, s. 2; 1967, c. 789, s. 16.

53-117. Amended by Session Laws 1967, c. 789, s. 17.

53-139. Amended by Session Laws 1967, c. 789, s. 18.

53-141. Amended by Session Laws 1967, c. 789, s. 19.

53-160. Amended by Session Laws 1967, c. 789, s. 20.

53-164. Amended by Session Laws 1961, c. 1053, s. 1.

53-165. Amended by Session Laws 1961, c. 1053, s. 1.

53-166. Amended by Session Laws 1961, c. 1053, s 1.

53-167. Amended by Session Laws 1961, c. 1053, s 1.

53-168. Amended by Session Laws 1961, c. 1053, s 1.

53-168.1. Repealed by Session Laws 1961, c. 1053, s. 1.

53-169. Amended by Session Laws 1961, c. 1053, s. 1.

53-170. Amended by Session Laws 1961, c. 1053, s. 1.

53-170.1. Repealed by Session Laws 1961, c. 1053, s. 1.

53-171. Amended by Session Laws 1961, c. 1053, s 1.

53-171.1. Repealed by Session Laws 1961, c. 1053, s. 1.

53-171.2. Repealed by Session Laws 1961, c. 1053, s 1.

53-172. Amended by Session Laws 1961, c. 1053, s. 1; 1967, c. 769, s. 1.

53-173. Amended by Session Laws 1961, c. 1053, s. 1.

53-190. Amended by Session Laws 1967, c. 769, s. 2.

53A-6. Amended by Session Laws 1963, c. 393 ss. 1, 2.

53A-9. Amended by Session Laws 1963, c. 393, s. 3½.

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53A-11.1. Amended by Session Laws 1961, c. 186.

53A-15. Amended by Session Laws 1967, c. 1110, s. 11.

54-2. Amended by Session Laws 1967, c. 823, s. 4.

54-6. Amended by Session Laws 1967, c. 823, s. 5.

54-11. Amended by Session Laws 1967, c. 823, s. 6.

54-12. Amended by Session Laws 1967, c. 823, s. 7.

54-12.1. Amended by Session Laws 1967, c. 823, s. 8.

54-14. Amended by Session Laws 1967, c. 556.

54-21.2. Amended by Session Laws 1967, cc. 580, 653.

54-29. Amended by Session Laws 1963, c. 353.

54-74. Amended by Session Laws 1965, c. 956, s. 1.

54-75. Amended by Session Laws 1965, c. 956, ss. 1-3.

54-76. Amended by Session Laws 1965, c. 956, s. 4.

54-78. Amended by Session Laws 1965, c. 956, s. 5; 1967, c. 823, s. 9.

54-79. Amended by Session Laws 1965, c. 956, s. 6.

54-81. Amended by Session Laws 1965, c. 956, s. 7; 1967, c. 823, s. 10.

54-84. Amended by Session Laws 1965, c. 956, s. 8.

54-85. Amended by Session Laws 1965, c. 956, s. 1.

54-86. Amended by Session Laws 1965, c. 956, ss. 10, 11.

54-87. Amended by Session Laws 1961, c. 1187, s. 1; 1965, c. 956, ss. 1, 12, 13.

54-89. Amended by Session Laws 1965, c. 956, s. 14.

54-91. Amended by Session Laws 1965, c. 956, s. 15.

54-92. Amended by Session Laws 1965, c. 956, s. 1; 1967, c. 823, s. 11.

54-94. Amended by Session Laws 1965, c. 956, ss. 16, 17.

54-98. Amended by Session Laws 1965, c. 956, s. 18.

54-101. Amended by Session Laws 1965, c. 956, ss 1, 19.

54-102. Amended by Session Laws 1965, c. 956, s. 20.

54-103. Amended by Session Laws 1961, c. 1187, s. 2; 1965, c. 956, s. 1.

54-104. Amended by Session Laws 1965, c. 956, s. 21.

54-105. Amended by Session Laws 1965, c. 956, ss. 1, 22.

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54-106. Amended by Session Laws 1965, c. 956, ss 1, 23, 24.

54-107. Amended by Session Laws 1965, c. 956, ss. 1, 25.

54-108. Amended by Session Laws 1965, c. 956, s. 1.

54-109. Amended by Session Laws 1965, c. 956, s. 26.

54-110. Amended by Session Laws 1965, c. 956, s 1.

54-114. Amended by Session Laws 1967, c. 823, s. 12.

54-115. Amended by Session Laws 1967, c. 823, s. 13.

54-125. Amended by Session Laws 1967, c. 823, s. 14.

54-130. Amended by Session Laws 1963, c. 1168, ss. 1-3.

54-134. Amended by Session Laws 1963, c. 1168, ss. 4, 5.

54-135. Amended by Session Laws 1963, c. 1168, s. 6.

54-136. Amended by Session Laws 1963, c. 1168, s. 7.

54-139. Amended by Session Laws 1963, c. 1168, s. 8.

54-142. Amended by Session Laws 1963, c. 1168, s. 9.

54-145. Amended by Session Laws 1963, c. 1168, s. 10.

54-146. Amended by Session Laws 1963, c. 1168, s. 11.

54-148. Amended by Session Laws 1963, c. 1168, s. 12.

54-157. Amended by Session Laws 1963, c. 1168, s. 14.

54-162. Amended by Session Laws 1967, c. 823, s. 15.

55-4. Amended by Session Laws 1967, c. 13, s. 1; c. 823, s. 16.

55-8. Amended by Session Laws 1967, c. 13, s. 3.

55-14. Amended by Session Laws 1965, c. 298, s. 1; 1967, c. 823, s. 17.

55-22. Amended by Session Laws 1961, c. 198.

55-38. Amended by Session Laws 1965, c. 609.

55-50. Amended by Session Laws 1965, c. 726.

55-52. Amended by Session Laws 1963, c. 666; 1967, c. 1163.

55-67. Amended by Session Laws 1963, c. 1065.

55-72. Amended by Session Laws 1963, c. 1233.

55-75 to 55-98. Repealed by Session Laws 1965, c. 700, s. 2.

55-109. Amended by Session Laws 1967, c. 823, s. 18.

55-110. Amended by Session Laws 1967, c. 950, s. 1.

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55-129. Amended by Session Laws 1967, c. 823, s. 19.

55-142. Amended by Session Laws 1965, c. 298, s. 2.

55-155. Amended by Session Laws 1967, c. 823, s. 20.

55A-4. Amended by Session Laws 1967, c. 13, s. 2; c. 823, s. 21.

55A-8. Amended by Session Laws 1967, c. 13, s. 4.

55A-41. Amended by Session Laws 1967, c. 823, s. 22.

55A-42. Amended by Session Laws 1967, c. 950, s. 2.

55A-56. Amended by Session Laws 1967, c. 823, s. 23.

55A-77. Amended by Session Laws 1967, c. 823, s. 24.

55A-86. Amended by Session Laws 1963, c. 786.

56-1 to 56-11. Repealed by Session Laws 1963, c. 1165, s. 1.

57-1. Amended by Session Laws 1961, c. 1149; 1965, c. 396, s. 1; c. 1169, s. 1; 1967, c. 690, s. 1.

57-3. Amended by Session Laws 1961, c. 1149.

57-5. Amended by Session Laws 1961, c. 1149.

57-6. Amended by Session Laws 1961, c. 1149.

57-7. Amended by Session Laws 1961, c. 1149.

57-8. Amended by Session Laws 1961, c. 1149.

57-11. Amended by Session Laws 1961, c. 1149.

57-12. Amended by Session Laws 1961, c. 1149.

57-12.1. Amended by Session Laws 1961, c. 1149

57-14. Amended by Session Laws 1965, c. 1128.

57-16. Amended by Session Laws 1961, c. 1149.

57-18. Amended by Session Laws 1961, c. 1149.

57-19. Amended by Session Laws 1961, c. 1149; 1967, c. 823, s. 25.

57-20. Amended by Session Laws 1961, c. 1149.

58-6. Amended by Session Laws 1963, c. 1178, s. 6; 1967, c. 1130; c. 1237, s. 6.

58-9. Amended by Session Laws 1965, c. 127, s. 1.

58-39. Amended by Session Laws 1963, c. 1234.

58-39.4. Amended by Session Laws 1965, c. 1047.

58-41. Amended by Session Laws 1961, c. 1149.

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58-49. Amended by Session Laws 1965, c. 911.

58-53.1. Amended by Session Laws 1961, c. 1150, s. 1.

58-53.3. Amended by Session Laws 1961, c. 1150, s. 2.

58-54.4. Amended by Session Laws 1967, c. 935, s. 2.

58-56. Amended by Session Laws 1967, c. 1232, s. 1.

58-56.1. Amended by Session Laws 1967, c. 942, s. 1.

58-56.2. Amended by Session Laws 1965, c. 1039.

58-59. Amended by Session Laws 1967, c. 824.

58-60. Amended by Session Laws 1967, c. 825.

58-61. Amended by Session Laws 1965, c. 1040.

58-63. Amended by Session Laws 1963, c. 692.

58-72. Amended by Session Laws 1967, c. 624, s. 1.

58-77. Amended by Session Laws 1963, c. 943; 1965, c. 947; 1967, c. 300.

58-79. Amended by Session Laws 1961, cc. 263, 378; 1967, c. 842.

58-79.1. Amended by Session Laws 1967, c. 624, ss. 2-4.

58-134.1. Amended by Session Laws 1967, c. 936.

58-189. Amended by Session Laws 1963, c. 462.

58-201.1. Amended by Session Laws 1961, c. 255, ss. 1-3; 1963, c. 791, ss. 1, 2.

58-201.2. Amended by Session Laws 1961, c. 255, ss. 4-7; 1963, c. 791, ss. 3, 4.

58-210. Amended by Session Laws 1965, c. 869.

58-225. Repealed by Session Laws 1967, c. 1197, s. 3.

58-226. Amended by Session Laws 1967, c. 1197, s. 4.

58-228. Amended by Session Laws 1967, c. 985, s. 1.

58-235. Amended by Session Laws 1967, c. 1197, s. 5.

58-237. Amended by Session Laws 1967, c. 985, s. 2.

58-248. Amended by Session Laws 1965, c. 943.

58-248.2. Amended by Session Laws 1961, c. 1006 s. 1.

58-248.8. Amended by Session Laws 1961, c. 1006, s. 2; 1963, c. 1144; 1967, c. 283.

58-250.1. Amended by Session Laws 1961, c. 962.

58-251.1. Amended by Session Laws 1961, c. 432.

58-254.3. Amended by Session Laws 1961, c. 603.

58-254.6. Amended by Session Laws 1961, c. 646.

58-254.8. Amended by Session Laws 1961, c. 1071.

58-254.11. Amended by Session Laws 1965, c. 677.

58 257. Amended by Session Laws 1961, c. 1149.

58-260. Amended by Session Laws 1965, c. 396, s. 2; c. 1169, s. 2; 1967, c. 690, s. 2.

58-262.2. Amended by Session Laws 1967, c. 634, s. 1.

58-291. Amended by Session Laws 1967, c. 977.

59-2. Amended by Session Laws 1967, c. 823, s. 26.

59-25. Amended by Session Laws 1967, c. 823, s. 27.

60-1 to 60-81. Repealed by Session Laws 1963, c. 1165, s. 1.

60-82 to 60-87. Amended by Session Laws 1963, c. 1165, s. 2.

60-88 to 60-146. Repealed by Session Laws 1963, c. 1165, s. 1.

62-3. Amended by Session Laws 1967, c. 1094, ss. 1, 2.

62-10. Amended by Session Laws 1967, c. 1238.

62-42. Amended by Session Laws 1965, c. 287, s. 6.

62-49. Amended by Session Laws 1967, c. 1133.

62-90. Amended by Session Laws 1967, c. 1190, s. 1.

62-91. Amended by Session Laws 1967, c. 1190, s. 6.

62-92. Amended by Session Laws 1967, c. 1190, s. 2.

62-95. Amended by Session Laws 1967, c. 1190, s. 8.

62-96. Amended by Session Laws 1967, c. 1190, s. 3.

62-98. Amended by Session Laws 1967, c. 1190, s. 4.

62-99. Repealed by Session Laws 1967, c. 1190, s. 5.

62-111. Amended by Session Laws 1967, c. 1202.

62-112. Amended by Session Laws 1967, c. 1201.

62-114. Amended by Session Laws 1967, c. 1094, s. 3.

62-138. Amended by Session Laws 1965, c. 287, s. 7.

62-140. Amended by Session Laws 1965, c. 287, s. 8.

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62-260. Amended by Session Laws 1967, cc. 1135, 1203.

62-262. Amended by Session Laws 1965, c. 214.

62-300. Amended by Session Laws 1967, c. 1039; c. 1190, s. 7.

65-4. Amended by Session Laws 1967, c. 996, s. 13.

65-13. Amended by Session Laws 1961, c. 457; 1963, c. 915, s. 1; 1965, c. 71.

65-18. Amended by Session Laws 1967, c. 1009, s. 1.

65-19. Amended by Session Laws 1967, c. 1009, s. 2.

65-22. Amended by Session Laws 1967, c. 1009, s. 3.

65-23. Amended by Session Laws 1967, c. 1009, s. 4.

65-23.1. Amended by Session Laws 1967, c. 1009, s. 5.

65-24. Amended by Session Laws 1967, c. 1009, ss. 6, 7.

65-25. Repealed by Session Laws 1967, c. 1009, s. 8.

65-26. Amended by Session Laws 1967, c. 1009, s. 9.

65-27. Amended by Session Laws 1967, c. 1009, s. 10.

65-28. Repealed by Session Laws 1967, c. 1009, s. 11.

65-30. Amended by Session Laws 1967, c. 1009, s. 12.

65-31. Amended by Session Laws 1967, c. 1009, s. 13.

65-32. Amended by Session Laws 1967, c. 1009, s. 14.

65-36. Amended by Session Laws 1967, c. 1009, s. 16.

66-11. Amended by Session Laws 1967, c. 792.

66-27.1. Amended by Session Laws 1967, c. 453.

66-49.3. Amended by Session Laws 1963, c. 1154, s. 1.

66-49.4. Amended by Session Laws 1963, c. 1154, s. 2.

66-49.6. Amended by Session Laws 1963, c. 1154, s. 3.

66-67. Amended by Session Laws 1967, c. 931.

66-68. Amended by Session Laws 1967, c. 823, s. 28.

66-69. Amended by Session Laws 1967, c. 823, s. 29.

66-69.1. Amended by Session Laws 1967, c. 823, s. 30.

66-84. Amended by Session Laws 1963, cc. 205, 738; 1965, cc. 96, 306, 374; 1967, cc. 347, 476, 514.

67-13. Amended by Session Laws 1961, c. 659; 1963, c. 266, s. 1; c. 725, s. 1; 1967, c. 587, s. 1.

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67-27. Amended by Session Laws 1963, c. 337.

67-29. Amended by Session Laws 1963, c. 61.

69-25.11. Amended by Session Laws 1965, cc. 625, 1101.

71-2. Repealed by Session Laws 1967, c. 581, s. 4.

74A-1. Amended by Session Laws 1965, cc. 297, 581.

74A-2. Amended by Session Laws 1965, c. 872.

75-3. Repealed by Session Laws 1961, c. 1153.

75-5. Amended by Session Laws 1961, c. 407, s. 1.

75A-2. Amended by Session Laws 1965, c. 634, s. 1.

75A-3. Amended by Session Laws 1961, c. 644; 1963, c. 1003.

75A-5. Amended by Session Laws 1961, c. 469, s. 1; 1963, c. 470.

75A-5.1. Amended by Session Laws 1965, c. 957, s. 8.

75A-6. Amended by Session Laws 1963, c. 396; 1965, c. 634, s. 2; 1967, cc. 230, 1075.

75A-10. Amended by Session Laws 1965, c. 634, s. 3.

75A-14. Amended by Session Laws 1965, c. 437.

75A-15. Amended by Session Laws 1965, c. 394.

75A-17. Amended by Session Laws 1965, c. 957, s. 9.

75A-18. Amended by Session Laws 1965, c. 634, s. 3; c. 793.

76-4. Amended by Session Laws 1967, c. 940, s. 1.

76-5. Amended by Session Laws 1967, c. 940, s. 2.

77-10. Amended by Session Laws 1965, c. 493.

77-14. Amended by Session Laws 1961, c. 507.

78-3. Amended by Session Laws 1967, c. 1233, s. 1.

78-4. Amended by Session Laws 1967, c. 1233, ss. 2, 3.

83-12. Amended by Session Laws 1965, c. 1100.

83-14. Repealed by Session Laws 1967, c. 691, s. 59.

84-2. Amended by Session Laws 1965, c. 418, s. 1.

84-17. Amended by Session Laws 1961, c. 641.

84-24. Amended by Session Laws 1965, cc. 65, 725.

84-28. Amended by Session Laws 1961, c. 1075.

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84-34. Amended by Session Laws 1961, c. 760.

85A-34. Amended by Session Laws 1965, c. 1195; 1967, cc. 384, 433.

86-3. Amended by Session Laws 1961, c. 577, s. 1.

86-12. Amended by Session Laws 1961, c. 577, s. 2.

86-15. Amended by Session Laws 1965, c. 513.

86-17. Amended by Session Laws 1961, c. 577, s. 3.

86-20. Amended by Session Laws 1961, c. 577, s. 4.

86-25. Amended by Session Laws 1961, c. 577, s. 5.

87-21. Amended by Session Laws 1967, c. 770, ss. 1-6.

87-26. Amended by Session Laws 1967, c. 770, s. 7.

87-43. Amended by Session Laws 1961, c. 1165.

87-82. Amended by Session Laws 1961, c. 1221; 1963, cc. 179, 250, 272, 461; c. 545, ss. 1, 2; c. 557, s. 1; c. 597; c. 682, s. 1; c. 741, s. 1; c. 879; c. 906, s. 1; 1965, cc. 128, 375; 1967, c. 578.

88-8. Amended by Session Laws 1963, c. 1257, s. 1.

88-10. Amended by Session Laws 1963, c. 1257, s. 2.

88-19. Amended by Session Laws 1963, c. 1257, s. 3.

89-4. Amended by Session Laws 1963, c. 843; 1965, c. 940.

90-12. Amended by Session Laws 1967, c. 691, s. 42.

90-17. Repealed by Session Laws 1967, c. 691, s. 59.

90-18. Amended by Session Laws 1967, c. 263, s. 1.

90-19, 90-20. Repealed by Session Laws 1967, c. 691, s. 59.

90-22. Amended by Session Laws 1961, c. 213, s. 1.

90-26. Amended by Session Laws 1961, c. 446, s. 1.

90-29. Amended by Session Laws 1961, c. 446, s. 2; 1965, c. 163, ss. 1, 2.

90-29.1. Amended by Session Laws 1961, c. 446, ss. 3, 4.

90-31. Amended by Session Laws 1961, c. 446, s. 6.

90-35. Amended by Session Laws 1961, c. 446, s. 7.

90-39. Amended by Session Laws 1961, c. 446, s. 8; 1965, c. 163, s. 3.

90-40. Amended by Session Laws 1965, c. 163, s. 6; c. 419.

90-41. Amended by Session Laws 1965, c. 163, s. 4; 1967, c. 451, s. 1.

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90-43. Amended by Session Laws 1965, c. 163, s. 5.

90-45. Repealed by Session Laws 1967, c. 218, s. 4.

90-58. Amended by Session Laws 1965, c. 676, s. 2.

90-60. Amended by Session Laws 1965, c. 676, s. 1.

90-65. Amended by Session Laws 1967, c. 807.

90-87. Amended by Session Laws 1965, c. 619, ss. 1, 2; 1967, c. 193, ss. 1, 2.

90-98. Amended by Session Laws 1967, c. 193, s. 3.

90-108. Amended by Session Laws 1965, c. 619, s. 3.

90-111.2. Amended by Session Laws 1965, c. 619, s. 4; 1967, c. 193, s. 4.

90-113.2. Amended by Session Laws 1965, c. 620, s. 1.

90-113.3. Amended by Session Laws 1965, c. 620, s. 2.

90-113.5. Amended by Session Laws 1965, c. 620, s. 3.

90-113.7. Amended by Session Laws 1965, c. 620, s. 4; 1967, c. 194.

90-115. Amended by Session Laws 1967, c. 691, s. 43.

90-120. Amended by Session Laws 1967, c. 691, s. 44.

90-135. Repealed by Session Laws 1967, c. 691, s. 59.

90-140. Amended by Session Laws 1963, c. 646, s. 1.

90-142. Amended by Session Laws 1967, c. 263, s. 2.

90-143. Amended by Session Laws 1963, c. 646, s. 2; 1967, c. 263, s. 3.

90-150. Repealed by Session Laws 1967, c. 218, s. 4.

90-152. Repealed by Session Laws 1967, c. 691, s. 59.

90-154. Amended by Session Laws 1963, c. 646, s. 3.

90-155. Amended by Session Laws 1963, c. 646, s. 4.

90-158 to 90-171.15. Rewritten by Session Laws 1965, c. 578, s. 1.

90-179. Amended by Session Laws 1961, c. 353, s. 1.

90-180. Amended by Session Laws 1961, c. 353, s. 3.

90-182. Amended by Session Laws 1961, c. 353, s. 4.

90-183. Amended by Session Laws 1961, c. 353, s. 5.

90-183.2. Amended by Session Laws 1967, c. 796.

90-184. Amended by Session Laws 1961, c. 353, s. 7.

90-186. Amended by Session Laws 1961, c. 353, s. 9.

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90-187. Amended by Session Laws 1961, c. 353, s 10; c. 756.

90-188. Amended by Session Laws 1963, c. 1195, s. 2.

90-189. Amended by Session Laws 1963, c. 1195, s. 2; 1967, c. 1217, s. 2.

90-190. Amended by Session Laws 1963, c. 1195, s. 2; 1967, c. 1217, s. 3.

90-191. Amended by Session Laws 1963, c. 1195, ss. 1, 2; 1967, c. 1217, s. 4.

90-192. Amended by Session Laws 1963, c. 1195, s. 2; 1967, c. 1217, s. 5.

90-193. Amended by Session Laws 1967, c. 1217, s. 6.

90-194. Repealed by Session Laws 1967, c. 1217, s. 7.

90-195. Repealed by Session Laws 1967, c. 1217, s. 8.

90-196. Repealed by Session Laws 1967, c. 691, s. 59.

90-197. Amended by Session Laws 1963, c. 1195, s. 2; 1967, c. 691, s. 45.

90-198. Amended by Session Laws 1967, c. 1217, s. 9.

90-199. Amended by Session Laws 1963, c. 1195, s. 2; 1967, c. 1217, s. 10.

90-200. Repealed by Session Laws 1967, c. 1217, s. 11.

90-201. Amended by Session Laws 1963, c. 1195, s. 2.

90-202. Amended by Session Laws 1963, c. 1195, s. 2.

90-203. Amended by Session Laws 1965, c. 630, s. 1.

90-210. Amended by Session Laws 1965, c. 720.

90-210.1. Amended by Session Laws 1967, c. 691, s. 46.

90-210.7. Amended by Session Laws 1967, c. 1154, s. 2.

90-210.12. Amended by Session Laws 1967, c. 691, s. 47.

90-210.17. Amended by Session Laws 1967, c. 691, s. 48.

90-213. Amended by Session Laws 1967, c. 1154, s. 3.

90-217. Amended by Session Laws 1967, c. 1154, s. 4.

90-230. Amended by Session Laws 1967, c. 489, s. 1.

90-231. Amended by Session Laws 1965, c. 163, s. 7; 1967, c. 489, s. 2.

90-243. Amended by Session Laws 1967, c. 691, s. 49.

90-248. Amended by Session Laws 1965, c. 730.

90-271. Amended by Session Laws 1965, cc. 108, 941.

91-5. Amended by Session Laws 1965, c. 84.

93-12. Amended by Session Laws 1961, c. 1010.

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93A-2. Amended by Session Laws 1967, c. 281, s. 1.

93A-3. Amended by Session Laws 1967, c. 281, s. 2; c. 853, s. 1.

93A-4. Amended by Session Laws 1967, c. 281, s. 3; c. 853, s. 2.

93A-6. Amended by Session Laws 1967, c. 281, s. 4; c. 853, s. 3.

93A-9. Amended by Session Laws 1967, c. 281, s. 5.

93B-4. Amended by Session Laws 1965, c. 661.

95-2. Amended by Session Laws 1963, c. 1178, s. 5; 1967, c. 1130; c. 1237, s. 5.

95-3. Amended by Session Laws 1963, c. 313, s. 2.

95-10. Repealed by Session Laws 1963, c. 313, s. 1.

95-17. Amended by Session Laws 1961, c. 1070; 1965, c. 724; 1967, c. 998.

95-48. Amended by Session Laws 1963, c. 1114, s. 1.

95-49. Amended by Session Laws 1963, c. 1114, s. 2.

95-64. Amended by Session Laws 1967, c. 490, s. 1.

95-64.1. Amended by Session Laws 1967, c. 490, s. 2.

95-68. Amended by Session Laws 1967, c. 490, s. 3.

95-68.1. Amended by Session Laws 1967, c. 490, s. 4.

95-86. Amended by Session Laws 1961, c. 652.

95-87. Amended by Session Laws 1963, c. 816; 1965, c. 229.

95-88. Amended by Session Laws 1961, c. 602; 1963, c. 1123.

96-3. Amended by Session Laws 1965, c. 795, s. 1.

96-6. Amended by Session Laws 1961, c. 454, ss. 1-3.

96-8. Amended by Session Laws 1961, c. 454, ss. 4-15; 1965, c. 795, ss. 2-5.

96-9. Amended by Session Laws 1965, c. 795, ss. 6-10.

96-10. Amended by Session Laws 1965, c. 795, s. 11.

96-11. Amended by Session Laws 1961, c. 454, s. 16; 1965, c. 795, ss. 12-14.

96-12. Amended by Session Laws 1961, c. 454, ss. 17, 18; 1965, c. 795, ss. 15, 16.

96-13. Amended by Session Laws 1961, c. 454, s. 19; 1965, c. 795, ss. 17, 18.

96-14. Amended by Session Laws 1961, c. 454, s. 20; 1965, c. 795, s. 19.

96-15. Amended by Session Laws 1961, c. 454, s. 21; 1965, c. 795, ss. 20-22.

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96-18. Amended by Session Laws 1965, c. 795, ss. 23, 24.

97-2. Amended by Session Laws 1961, cc. 231, 235; 1967, c. 1229, s. 1.

97-7. Amended by Session Laws 1961, c. 1200.

97-10.2. Amended by Session Laws 1963, c. 450, s. 1.

97-13. Amended by Session Laws 1967, c. 996, s. 13.

97-16. Amended by Session Laws 1967, c. 182.

97-17. Amended by Session Laws 1963, c. 436.

97-18. Amended by Session Laws 1967, c. 1229, s. 2.

97-29. Amended by Session Laws 1963, c. 604, s. 1; 1967, c. 84, s. 1.

97-30. Amended by Session Laws 1963, c. 604, s. 2; 1967, c. 84, s. 2.

97-31. Amended by Session Laws 1963, c. 424, ss. 1, 2; 1967, c. 84, s. 3.

97-36. Amended by Session Laws 1963, c. 450, s. 2; 1967, c. 1229, s. 3.

97-38. Amended by Session Laws 1963, c. 604, s. 3; 1967, c. 84, s. 4.

97-40. Amended by Session Laws 1963, c. 604, s. 4; 1967, c. 84, s. 5.

97-40.1. Amended by Session Laws 1963, c. 450, s. 3.

97-41. Amended by Session Laws 1963, c. 604, s. 5; 1967, c. 84, s. 6.

97-44. Amended by Session Laws 1963, c. 450, s. 4.

97-53. Amended by Session Laws 1963, c. 553, s. 1; c. 965.

97-58. Amended by Session Laws 1963, c. 553, s. 2.

97-61.2. Amended by Session Laws 1963, c. 450, s. 5.

97-61.5. Amended by Session Laws 1963, c. 604, s. 6; 1967, c. 84, s. 7.

97-61.6. Amended by Session Laws 1963, c. 604, s. 7; 1965, c. 907; 1967, c. 84, s. 8.

97-85. Amended by Session Laws 1963, c. 402.

97-86. Amended by Session Laws 1967, c. 669.

97-94. Amended by Session Laws 1963, c. 499.

97-99. Amended by Session Laws 1967, c. 1218.

97-100. Amended by Session Laws 1961, c. 833, s. 13.

100-8. Amended by Session Laws 1961, c. 976; 1963, c. 1128.

101-4. Amended by Session Laws 1963, c. 206.

102-5. Repealed by Session Laws 1963, c. 783.

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102-6. Amended by Session Laws 1963, c. 783.

103-2. Amended by Session Laws 1967, c. 1003.

104B-2. Repealed by Session Laws 1965, c. 431, s. 1.

104B-11. Amended by Session Laws 1965, c. 623, s. 1.

104B-14. Amended by Session Laws 1965, c. 623, s. 2.

104C-4. Amended by Session Laws 1963, c. 1211, s. 1.

105-2. Amended by Session Laws 1963, c. 941, ss. 1-3; 1967, c. 1110, s. 1.

105-4. Amended by Session Laws 1965, c. 583; 1967, c. 1222.

105-8. Amended by Session Laws 1967, c. 1220.

105-13. Amended by Session Laws 1965, c. 439.

105-19. Amended by Session Laws 1967, c. 1110, s. 1.

105-29. Amended by Session Laws 1967, c. 1171.

105-33. Amended by Session Laws 1963, c. 294, s. 3.

105-36. Amended by Session Laws 1965, c. 641.

105-37.1. Amended by Session Laws 1963, c. 1231; 1967, c. 865.

105-47. Amended by Session Laws 1963, c. 1057.

105-60. Repealed by Session Laws 1965, c. 1012, ss. 1, 2.

105-61. Amended by Session Laws 1965, c. 1012, s. 1.

105-62. Amended by Session Laws 1965, c. 1036.

105-64. Amended by Session Laws 1961, c. 965, s. 1.

105-64.1. Amended by Session Laws 1961, c. 965, s. 2.

105-65.1. Amended by Session Laws 1963, c. 1169, s. 10; 1965, c. 1078, s. 1.

105-70. Amended by Session Laws 1965, c. 416.

105-74. Amended by Session Laws 1961, c. 1080, ss. 1, 3.

105-77. Amended by Session Laws 1963, c. 294, s. 4.

105-85. Amended by Session Laws 1961, c. 1080, ss. 2, 4; c. 1203.

105-88. Amended by Session Laws 1967, c. 1080; c. 1232, s. 2.

105-90. Amended by Session Laws 1963, c. 787, s. 1.

105-90.1. Amended by Session Laws 1963, c. 787, s. 2.

105-93. Amended by Session Laws 1967, c. 691, s. 50.

105-98. Amended by Session Laws 1965, c. 607; 1967, cc. 551, 553.

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105-99. Amended by Session Laws 1963, c. 1169, s. 12.

105-101. Amended by Session Laws 1961, c. 1218.

105-102. Amended by Session Laws 1965, c. 1035, s. 2.

105-102.1. Amended by Session Laws 1963, c. 601, ss. 1, 2.

105-109. Amended by Session Laws 1963, c. 294, s. 5.

105-112. Amended by Session Laws 1963, c. 294, s. 6.

105-113. Amended by Session Laws 1963, c. 294, s. 7.

105-114. Amended by Session Laws 1965, c. 287, s. 16.

105-116. Amended by Session Laws 1963, c. 1169, s. 1; 1965, c. 517; 1967, c. 519, ss. 1, 3.

105-122. Amended by Session Laws 1963, c. 1169, s. 1; 1967, c. 892, ss. 10, 11.

105-125. Amended by Session Laws 1963, c. 601, s. 3; c. 1169, s. 1.

105-130. Amended by Session Laws 1967, c. 1110, s. 3.

105-131. Repealed by Session Laws 1967, c. 1110, s. 3.

105-132. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-133. Amended by Session Laws 1967, c. 1110, s. 3.

105-134. Amended by Session Laws 1963, c. 1169, s. 2; c. 1186; 1967, c. 1110, s. 3.

105-137. Amended by Session Laws 1967, c. 1110, s. 3.

105-138 to 105-139. Repealed by Session Laws 1967, c. 1110, s. 3.

105-140. Amended by Session Laws 1967, c. 1110, s. 3.

105-141. Amended by Session Laws 1961, c. 893; 1963, c. 1169, s. 2; 1965, cc. 833, 1003; 1967, c. 716, s. 1; cc. 871, 1025; c. 1110, s. 3; cc. 1151, 1221.

105-141.1. Amended by Session Laws 1967, c. 1110, s. 3.

105-141.2. Amended by Session Laws 1967, c. 1110, s. 3.

105-141.3. Amended by Session Laws 1967, c. 1110, s. 3.

105-142. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-142.1. Amended by Session Laws 1967, c. 1110, s. 3.

105-143. Repealed by Session Laws 1967, c. 1110, s. 3.

105-144. Amended by Session Laws 1961, c. 1093; 1963, c. 1169, s. 2; 1965, c. 580; 1967, c. 1110, s. 3.

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105-144.1. Amended by Session Laws 1967, c. 1110, s. 3.

105-144.3. Amended by Session Laws 1963, c. 1169, s. 2.

105-144.4. Amended by Session Laws 1967, c. 1110, s. 3.

105-145. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-147. Amended by Session Laws 1961, c. 201, s. 1; c. 1148; 1963, c. 1169, s. 2; 1965, c. 1048; 1967, cc. 259, 550; c. 892, s. 6; c. 1110, s. 3; c. 1252, s. 2.

105-148. Amended by Session Laws 1963, c. 1169, s. 2.

105-149. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 716, s. 2; c. 1110, s. 3.

105-151. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-152. Amended by Session Laws 1967, c. 1110, s. 3.

105-153. Repealed by Session Laws 1967, c. 1110, s. 3.

105-154. Amended by Session Laws 1967, c. 1110, s. 3.

105-155. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-156. Amended by Session Laws 1967, c. 1110, s. 3.

105-156.1. Amended by Session Laws 1967, c. 1110, s. 3.

105-157. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 702, s. 1; c. 1110, s. 3.

105-159. Amended by Session Laws 1963, c. 1169, s. 2; 1967, c. 1110, s. 3.

105-163.1. Amended by Session Laws 1967, c. 716, s. 3.

105-163.10. Amended by Session Laws 1967, c. 1110, s. 4.

105-163.11. Amended by Session Laws 1963, c. 785, ss. 1, 2; 1967, c. 1110, s. 4.

105-163.13. Amended by Session Laws 1967, c. 1110, s. 4.

105-163.15. Amended by Session Laws 1963, c. 785, ss. 3, 4.

105-163.16. Amended by Session Laws 1967, c. 702, s. 2.

105-163.19 to 105-163.21. Repealed by Session Laws 1967, c. 1110, s. 4.

105-163.33. Amended by Session Laws 1967, c. 1110, s. 5.

105-164.3. Amended by Session Laws 1961, c. 1213, s. 1; 1967, c. 1110, s. 6.

105-164.4. Amended by Session Laws 1961, c. 826, s. 2; 1963, c. 1169, ss. s. 3, 11; 1967, c. 1110, s. 6; c. 1116.

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105-164.5. Amended by Session Laws 1961, c. 826, s. 2; c. 1213, s. 2.

105-164.5a. Repealed by Session Laws 1961, c. 1213, s. 3.

105-164.6. Amended by Session Laws 1961, c. 826, s. 2; 1967, c. 1110, s. 6.

105-164.10. Amended by Session Laws 1961, c. 826, s. 2.

105-164.11. Amended by Session Laws 1961, c. 826, s. 2.

105-164.13. Amended by Session Laws 1961, c. 826, s. 2; cc. 1103, 1163; 1963, c. 1169, ss. 7-9; 1965, c. 1041; 1967, c. 756.

105-164.14. Amended by Session Laws 1961, c. 826, s. 2; 1963, cc. 169, 1134; 1965, c. 1006; 1967, c. 1110, s. 6.

105-164.16. Amended by Session Laws 1967, c. 1110, s. 6.

105-164.17. Amended by Session Laws 1967, c. 1110, s. 6.

105-164.21. Amended by Session Laws 1967, c. 1110, s. 6.

105-164.27. Repealed by Session Laws 1961, c. 826, s. 2.

105-164.33, 105-164.34. Repealed by Session Laws 1963, c. 1169, s. 3.

105-164.38. Amended by Session Laws 1963, c. 1169, s. 3.

105-164.41. Amended by Session Laws 1963, c. 1169, s. 3; 1967, c. 1110, s. 6.

105-188.1. Amended by Session Laws 1967, c. 1110, s. 7.

105-202. Amended by Session Laws 1963, c. 1169, s. 4; 1965, c. 834.

105-204. Amended by Session Laws 1967, c. 701, s. 1; c. 788.

105-212. Amended by Session Laws 1967, c. 1110, s. 13.

105-213. Amended by Session Laws 1967, c. 1196, s. 5.

105-228.5. Amended by Session Laws 1961, c. 783; 1963, c. 1096.

105-228.16. Amended by Session Laws 1967, c. 1110, s. 8.

105-230. Amended by Session Laws 1967, c. 823, s. 31.

105-236. Amended by Session Laws 1963, c. 1169, s. 6; 1967, c. 1110, s. 9.

105-241.4. Amended by Session Laws 1967, c. 1110, s. 9.

105-242. Amended by Session Laws 1963, c. 1169 s. 6.

105-250.1. Amended by Session Laws 1963, c. 294, s. 8; 1965, c. 1078 s. 2.

105-269. Amended by Session Laws 1963, c. 1169, s. 6.

105-273. Amended by Session Laws 1961, c. 547, s. 1; 1967, c. 1196, s. 1.

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105-274. Amended by Session Laws 1967, c. 1196, s. 2.

105-275. Amended by Session Laws 1967, c. 1196, s. 3.

105-279. Amended by Session Laws 1963, c. 414.

105-281. Amended by Session Laws 1961, c. 1169, s. 8.

105-286. Amended by Session Laws 1963, c. 302.

105-292. Amended by Session Laws 1963, c. 625; 1967, c. 59.

105-294. Amended by Session Laws 1967, c. 892, s. 7.

105-294.1. Amended by Session Laws 1961, c. 1169, s. 6.

105-294.2. Amended by Session Laws 1961, c. 1169, s. 7.

105-295. Amended by Session Laws 1967, c. 944.

105-296. Amended by Session Laws 1961, c. 953; 1965, c. 741, ss. 1, 2; 1967, c. 892, s. 8; c. 1160, s. 1.

105-296.1. Amended by Session Laws 1963, c. 1120.

105-297. Amended by Session Laws 1961, c. 1169, ss. 8, 8½; 1965, c. 741, s. 3; 1967, c. 892, s. 9; c. 1160, s. 2.

105-312. Amended by Session Laws 1963, c. 515.

105-317. Amended by Session Laws 1965, c. 592.

105-323. Amended by Session Laws 1963, c. 784, s. 1.

105-324. Amended by Session Laws 1961, c. 380.

105-327. Amended by Session Laws 1965, c. 191; 1967, c. 1196, s. 6.

105-335. Amended by Session Laws 1963, c. 784, s. 2.

105-355. Amended by Session Laws 1965, c. 287, s. 17.

105-386. Amended by Session Laws 1963, c. 132.

105-391. Amended by Session Laws 1967, c. 705, s. 1.

105-405. Repealed by Session Laws 1963, c. 548.

105-405.1. Amended by Session Laws 1967, c. 1138.

105-422. Amended by Session Laws 1961, cc. 542, 695, 885; 1965, cc. 129, 294; 1967, c. 242; c. 321, s. 1; c. 422, s. 1.

105-437. Repealed by Session Laws 1963, c. 1169, s. 6.

105-443. Repealed by Session Laws 1963, c. 1169. s. 5.

105-445. Amended by Session Laws 1967, c. 1161, s. 2.

105-446. Amended by Session Laws 1961, cc. 480, 668; 1967, c. 699.

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105-449.2. Amended by Session Laws 1965, c. 1120, s. 1.

105-449.10. Amended by Session Laws 1965, c. 1120, s. 2.

105-449.20. Amended by Session Laws 1967, c. 1110, s. 14.

105-449.21. Amended by Session Laws 1967, c. 1110, s. 14.

105-449.24. Repealed by Session Laws 1963, c. 1169, s. 6.

105-449.30. Amended by Session Laws 1963, c. 1169, s 5.

105-449.40. Amended by Session Laws 1967, c. 1110, s. 15.

105-449.53. Repealed by Session Laws 1963, c. 1169. s. 6.

106-11. Amended by Session Laws 1963, c. 1178, s. 4; 1967, c. 1130; c. 1237, s. 4.

106-50.3. Amended by Session Laws 1961, c. 66, ss. 1, 2.

106-50.4. Amended by Session Laws 1961, c. 66, ss. 3, 4.

106-65.23. Amended by Session Laws 1967, c. 1184, s. 1.

106-65.24. Amended by Session Laws 1967, c. 1184, ss. 2, 3.

106-65.25. Amended by Session Laws 1967, c. 1184, s. 4.

106-65.26. Amended by Session Laws 1967, c. 1184, s. 5.

106-65.27. Amended by Session Laws 1967, c. 1184, s. 6.

106-65.28. Amended by Session Laws 1967, c. 1184, s. 7.

106-65.29. Amended by Session Laws 1967, c. 1184, s. 8.

106-65.30. Amended by Session Laws 1967, c. 1184, s. 9.

106-65.31. Amended by Session Laws 1967, c. 1184, s. 10.

106-65.32. Amended by Session Laws 1967, c. 1184, s. 11.

106-65.33. Amended by Session Laws 1967, c. 1184, s. 12.

106-65.34. Repealed by Session Laws 1967, c. 1184, s. 13.

106-93. Amended by Session Laws 1965, c. 799, s. 2.

106-94. Amended by Session Laws 1963, c. 1089, s. 1.

106-95.1. Amended by Session Laws 1965, c. 799, s. 3.

106-96. Amended by Session Laws 1965, c. 799, s. 4.

106-99. Amended by Session Laws 1965, c. 799, s. 5.

106-99.1. Amended by Session Laws 1963, c. 1089, s. 2; 1965, c. 799, s. 6.

106-100. Amended by Session Laws 1963, c. 1176.

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106-235. Repealed by Session Laws 1963, c. 1135.

106-239. Amended by Session Laws 1965, c. 697.

106-245.1 to 106-245.12. Repealed by Session Laws 1965, c. 1138, s. 3.

106-254. Amended by Session Laws 1961, c. 791.

106-266.8. Amended by Session Laws 1963, c. 797, ss. 1-3; 1965, c. 936, s. 1.

106-266.9. Amended by Session Laws 1963, c. 797, ss. 2, 4, 4½.

106-266.21. Amended by Session Laws 1965, c. 936, s. 2.

106-277 to 106-284.4. Amended by Session Laws 1963, c. 1182.

106-316.5. Repealed by Session Laws 1963, c. 1084, s. 2.

106-320. Repealed by Session Laws 1963, c. 1084, s. 2.

106-322.2. Amended by Session Laws 1967, c. 105.

106-390. Amended by Session Laws 1963, c. 489.

106-399. Repealed by Session Laws 1967, c. 511.

106-405.1. Amended by Session Laws 1967, c. 872, s. 1.

106-405.3. Amended by Session Laws 1967, c. 872, s. 2.

106-406. Amended by Session Laws 1967, c. 894, s. 1.

106-407. Amended by Session Laws 1967, c. 894, s. 2.

106-408. Amended by Session Laws 1961, c. 275, s. 1; 1967, c. 894, s. 5.

106-409. Amended by Session Laws 1967, c. 894, s. 6.

106-410. Amended by Session Laws 1967, c. 894, s. 7.

106-411. Amended by Session Laws 1967, c. 894, s. 8.

106-412. Amended by Session Laws 1967, c. 894, s. 9.

106-413. Amended by Session Laws 1967, c. 894, s. 10.

106-414. Amended by Session Laws 1967, c. 894, s. 11.

106-415. Amended by Session Laws 1967, c. 894, s. 12.

106-416. Amended by Session Laws 1967, c. 894, s. 13.

106-417. Amended by Session Laws 1967, c. 894, s. 14.

106-418. Amended by Session Laws 1967, c. 894, s. 15.

106-422. Amended by Session Laws 1967, c. 976.

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106-426. Amended by Session Laws 1967, c. 24, s. 27.

106-427. Amended by Session Laws 1967, c. 24, s. 27.

106-428. Amended by Session Laws 1967, c. 24, s. 27.

106-433. Amended by Session Laws 1965, c. 1029, s. 10; 1967, c. 560.

106-434. Amended by Session Laws 1965, c. 1029, s. 5.

106-437. Amended by Session Laws 1965, c. 1029, s. 6.

106-439. Amended by Session Laws 1965, c. 1029, s. 7.

106-441. Amended by Session Laws 1965, c. 1029, s. 8.

106-445. Amended by Session Laws 1965, c. 1029, s. 9.

106-446. Amended by Session Laws 1965, c. 1029, s. 10; 1967, c. 560.

106-450. Amended by Session Laws 1965, c. 1029, s. 11.

106-498. Amended by Session Laws 1967, c. 154.

106-516.1. Amended by Session Laws 1963, c. 1127.

106-549.65. Amended by Session Laws 1963, c. 1029; 1967, c. 1137, s. 1.

106-549.69. Amended by Session Laws 1967, c. 1137, s. 2.

106-557. Amended by Session Laws 1967, c. 774, s. 1; c. 1268.

106-559. Amended by Session Laws 1967, cc. 213, 561.

106-562. Amended by Session Laws 1967, c. 774, s. 2.

106-564. Amended by Session Laws 1965, c. 1046, s. 1.

106-566. Amended by Session Laws 1965, c. 1046, s. 2.

106-568.8. Amended by Session Laws 1967, c. 631, s. 1.

106-568.10. Amended by Session Laws 1967, c. 631, s. 2.

108-1. Amended by Session Laws 1963, c. 392.

108-3. Amended by Session Laws 1961, c. 51, s. 2; 1965, cc. 391, 1175.

108-5. Amended by Session Laws 1961, c. 186.

108-9. Amended by Session Laws 1965, c. 48; 1967, c. 983.

108-11. Amended by Session Laws 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2.

108-12. Amended by Session Laws 1961, c. 186.

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108-14. Amended by Session Laws 1961, c. 186.

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108-14.01. Amended by Session Laws 1961, c. 186.

108-14.4. Amended by Session Laws 1961, c. 186.

108-16. Repealed by Session Laws 1963, c. 138.

108-25. Repealed by Session Laws 1967, c. 554.

108-30.1. Amended by Session Laws 1961, cc. 186, 967.

108-35. Amended by Session Laws 1961, c. 186; 1963, c. 136.

108-37. Amended by Session Laws 1961, c. 186.

108-38. Amended by Session Laws 1961, c. 186; 1963, c. 248, s. 1; 1967, c. 898.

108-42. Amended by Session Laws 1963, c. 1062.

108-49. Amended by Session Laws 1961, c. 533; 1965, c. 939, s. 1; 1967, c. 660.

108-50. Amended by Session Laws 1963, c. 1061; 1965, c. 939, s. 2.

108-54. Repealed by Session Laws 1967, c. 554.

108-64. Amended by Session Laws 1961, c. 186.

108-71. Amended by Session Laws 1963, c. 1013.

108-73. Amended by Session Laws 1963, c. 551, ss. 1, 2; c. 599, s. 2; 1965, c. 409.

108-73.4. Amended by Session Laws 1961, c. 186.

108-73.5. Amended by Session Laws 1961, c. 186.

108-73.11. Amended by Session Laws 1963,

108-73.12. Amended by Session Laws 1967, c. 554.

108-73.13. Amended by Session Laws 1963, c. 599, s. 3.

108-73.14. Amended by Session Laws 1963, c. 599, s. 3.

108-73.15. Amended by Session Laws 1963, c. 599, s. 3.

108-73.17. Amended by Session Laws 1961, c. 186; 1963, c. 599, s. 3.

108-73.18. Amended by Session Laws 1963, c. 599, s. 3.

108-73.19. Amended by Session Laws 1963, c. 599, s. 4.

108-76.3. Amended by Session Laws 1961, c. 186.

108-79.2, 108-79.3. Repealed by Session Laws 1967, c. 1211, s. 2.

108-84. Amended by Session Laws 1963, c. 110; 1965, c. 990.

110-2. Amended by Session Laws 1967, cc. 173, 764.

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110-10. Amended by Session Laws 1961, c. 186.

110-29. Amended by Session Laws 1963, c. 631.

110-30. Amended by Session Laws 1967, c. 1207.

110-31. Amended by Session Laws 1961, c. 186; 1963, c. 633.

110-31.1. Amended by Session Laws 1961, c. 186.

110-38. Amended by Session Laws 1963, c. 1184, s. 34.

110-58. Amended by Session Laws 1965, c. 925, s. 1.

111-3. Amended by Session Laws 1965, c. 236.

111-15. Amended by Session Laws 1961, c. 666, s. 1.

111-17. Amended by Session Laws 1961, c. 666, s. 3.

111-19. Amended by Session Laws 1965, c. 905.

111-30. Amended by Session Laws 1961, c. 666, s. 2.

113-4. Amended by Session Laws 1961, c. 197, s. 1; 1965, c. 826, s. 1.

113-5. Amended by Session Laws 1961, c. 197, s. 2; 1965, c. 826, s. 2.

113-6. Amended by Session Laws 1965, c. 957, s. 10.

113-8. Amended by Session Laws 1965, c. 957, s. 11.

113-15.1. Amended by Session Laws 1961, c. 1214.

113-34. Amended by Session Laws 1965, c. 1008, s. 1.

113-35. Amended by Session Laws 1965, c. 1008, s. 2.

113-54. Amended by Session Laws 1961, c. 833, s. 17; 1963, c. 312, s. 1.

113-55. Amended by Session Laws 1963, c. 312, s. 2.

113-56. Amended by Session Laws 1963, c. 312, s. 3.

113-58. Amended by Session Laws 1963, c. 312, s. 4.

113-59. Amended by Session Laws 1963, c. 312, s. 5.

113-60. Amended by Session Laws 1963, c. 312, s. 6.

113-84. Amended by Session Laws 1961, cc. 311, 1056.

113-91. Amended by Session Laws 1967, c. 1119.

113-95. Amended by Session Laws 1961, c. 834, s 1.

113-102. Amended by Session Laws 1965, c. 904, s. 1; 1967, c. 728, s. 1.

113-104. Amended by Session Laws 1961, c. 1182; 1963, c. 381; c. 697, ss. 1, 3½; 1967, c. 858, s 1; c. 1149, s. 1.5.

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113-109. Amended by Session Laws 1963, c. 147; c. 697, ss. 2, 3½; 1965, c. 616; 1967, c. 729; c. 1149, s. 1.

113-111. Amended by Session Laws 1963, c. 830; 1965, c. 522; 1967, cc. 642, 922.

113-120.1. Amended by Session Laws 1965, c. 1134.

113-120.2. Amended by Session Laws 1965, c. 923.

113-152. Amended by Session Laws 1967, c. 444, ss. 1, 2.

113-154. Amended by Session Laws 1967, c. 444, s. 3.

113-189. Amended by Session Laws 1967, c. 1225.

113-202. Amended by Session Laws 1967, c. 876, s. 1.

113-203. Amended by Session Laws 1967, c. 878.

113-276. Amended by Session Laws 1967, cc. 127, 654.

114-2. Amended by Session Laws 1967, c. 691, s. 51.

114-4. Amended by Session Laws 1967, c. 260, s. 1.

114-4.2. Amended by Session Laws 1965, c. 55, s. 16; c. 408, s. 1.

114-4.3. Amended by Session Laws 1965, c. 408, s. 1.

114-7. Amended by Session Laws 1963, c. 1178, s. 3; 1967, c. 1130; c. 1237, s. 3.

114-9.1. Amended by Session Laws 1967, c. 260, s. 2.

114-11.1. Repealed by Session Laws 1965, c. 310, s. 4.

114-15. Amended by Session Laws 1965, c. 772.

115-1. Amended by Session Laws 1963, c. 448, s. 24.

115-6. Amended by Session Laws 1963, c. 448, s. 24.

115-7. Amended by Session Laws 1965, c. 584, s. 1.

115-8. Amended by Session Laws 1965, c. 584, s. 2.

115-11. Amended by Session Laws 1961, c. 969; 1963, c. 448, ss. 24, 27; c. 688, ss. 1, 2; c. 1223, s. 1; 1965, c. 1185, s. 2; 1967, c. 643, s. 1.

115-13. Amended by Session Laws 1963, c. 1178, s. 2; 1967, c. 1130; c. 1237, s. 2.

115-35. Amended by Session Laws 1963, c. 425; 1965, c. 1185, s. 1.

115-36. Amended by Session Laws 1963, c. 1223, s. 2.

115-39. Amended by Session Laws 1967, c. 697.

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115-49. Amended by Session Laws 1965, c. 584, s. 3.
115-50. Amended by Session Laws 1965, c. 584, s. 4.
115-51. Amended by Session Laws 1965, c. 912; 1967, c. 990.
115-52. Amended by Session Laws 1965, c. 840.
115-53. Amended by Session Laws 1961, c. 1102, s. 4.
115-58. Amended by Session Laws 1965, c. 584, s. 5.
115-59. Amended by Session Laws 1963, c. 688, s. 3.
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115-61. Amended by Session Laws 1965, c. 584, s. 7.
115-70. Amended by Session Laws 1965, c. 584, s. 8.
115-72. Amended by Session Laws 1965, c. 584, s. 9.
115-74. Amended by Session Laws 1967, c. 643, s. 2.
115-78. Amended by Session Laws 1963, c. 1223, s. 3.
115-79. Amended by Session Laws 1963, c. 1223, s. 4.
115-80. Amended by Session Laws 1961, c. 894, s. 1; 1965, c. 584, s 10; 1967, c. 1263.
115-80.3. Amended by Session Laws 1967, c. 7987, s. 2.
115-86. Amended by Session Laws 1961, c. 1199; 1963, c. 448, s. 24.
115-90. Amended by Session Laws 1965, c. 488, s. 1; c. 584, s. 11.
115-116. Amended by Session Laws 1961, c. 894, s. 2; c. 1019, s. 1.
115-118. Amended by Session Laws 1961, c. 1019, s. 2.
115-124. Amended by Session Laws 1965, c. 584, s. 12.
115-126. Amended by Session Laws 1961, c. 395.
115-133. Amended by Session Laws 1963, c. 253.
115-142. Amended by Session Laws 1967, c. 223, s. 1.
115-145. Amended by Session Laws 1965, c. 584, s. 13.
115-147. Amended by Session Laws 1963, c. 1223, s. 5; 1965, c. 584, s. 14.
115-150. Amended by Session Laws 1965, c. 584, s. 15.
115-153. Amended by Session Laws 1965, c. 584, s. 20.1.
115-157. Amended by Session Laws 1961, c. 1085.
115-158. Amended by Session Laws 1965, c. 584, s. 16.
115-159. Amended by Session Laws 1965, c. 395.

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115-165. Amended by Session Laws 1961, c. 186; 1965, c. 584, s. 17.
115-166. Amended by Session Laws 1963, c. 1223, s. 6.
115-167. Amended by Session Laws 1963, c. 1223, s. 7.
115-168. Amended by Session Laws 1961, c. 186; 1963, c. 1223, s. 8.
115-170. Amended by Session Laws 1961, c. 186; 1963, c. 1223, s. 9.
115-171. Amended by Session Laws 1961, c. 186; 1963, c. 1223, s. 10.
115-175.1. Amended by Session Laws 1965, c. 356.
115-181.1. Repealed by Session Laws 1965, c. 1095, s. 1.
115-186. Amended by Session Laws 1963, c. 990, ss. 2, 3; 1965, c. 1095, ss. 2, 3.
115-187. Amended by Session Laws 1961, c. 474.
115-188. Amended by Session Laws 1961, c. 833, s. 16.
115-190.1. Amended by Session Laws 1965, c. 1095, s. 4; 1967, c. 877.
115-199. Amended by Session Laws 1963, c. 448, s. 24.
115-202. Amended by Session Laws 1965, c. 397.
115-207. Amended by Session Laws 1965, c. 584, s. 18.
115-216. Amended by Session Laws 1965, c. 584, s. 19.
115-229. Amended by Session Laws 1963, c. 448, s. 24.
115-230. Amended by Session Laws 1963, c. 448, s. 24.
115-232. Amended by Session Laws 1963, c. 448, s. 24.
115-234. Amended by Session Laws 1963, c. 448, s. 24.
115-236 to 115-239. Amended by Session Laws 1963, c. 448, s. 30.
115-245. Amended by Session Laws 1961, c. 1175, s. 1.
115-246. Amended by Session Laws 1961, c. 1175, s. 2
115-247. Amended by Session Laws 1961, c. 1175, s. 3.
115-248. Amended by Session Laws 1961, c. 1175, s. 4.
115-249. Amended by Session Laws 1961, c. 1175, s. 5.
115-250. Amended by Session Laws 1961, c. 1175, s. 6.
115-251. Amended by Session Laws 1961 c. 1175, s. 7.
115-252. Amended by Session Laws 1961 c. 1175, s. 8.
115-253. Amended by Session Laws 1961, c. 1175, s. 9.

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115-254. Amended by Session Laws 1961, c. 1175, s. 10.

115-255. Amended by Session Laws 1965, c. 584, s. 20.

115-258 to 115-260. Repealed by Session Laws 1963, c. 448, s. 27.

115-299. Amended by Session Laws 1963, c. 688, s. 4.

115-339. Amended by Session Laws 1963, c. 1011.

115-344 to 115-346. Amended by Session Laws 1965, c. 617, s. 2.

115A-4. Amended by Session Laws 1965, c. 1028.

115A-5. Amended by Session Laws 1967, c. 652.

115A-21. Amended by Session Laws 1965, c. 842, s. 1.

115A-30. Amended by Session Laws 1965, c. 488, s. 2.

115A-38. Amended by Session Laws 1965, c. 402.

116-2. Amended by Session Laws 1963, c. 448, s. 1; 1965, c. 31, s. 1; c. 213.

116-3.1. Repealed by Session Laws 1963, c. 448, s. 3.

116-4. Amended by Session Laws 1963, c. 448, s. 18.

116-6. Amended by Session Laws 1963, c. 448, s. 20.

116-8. Amended by Session Laws 1963, c. 448, ss. 19, 20.

116-15. Amended by Session Laws 1963, c. 448, s. 4.

116-16. Amended by Session Laws 1963, c. 448, s. 5.

116-20. Amended by Session Laws 1961, c. 257.

116-23.1. Amended by Session Laws 1961, c. 493.

116-27. Amended by Session Laws 1963, c. 448, s. 6; 1965, c. 213.

116-28, 116-29. Repealed by Session Laws 1963, c. 448, s. 7.

116-30. Amended by Session Laws 1963, c. 448, s. 8.

116-31. Amended by Session Laws 1963, c. 448, s. 8; 1965, c. 213.

116-32. Amended by Session Laws 1963, c. 448, s. 9; 1965, c. 213.

116-33. Repealed by Session Laws 1963, c. 448, s. 10.

116-34. Amended by Session Laws 1963, c. 448, s. 11; 1965, c. 213.

116-35. Amended by Session Laws 1963, c. 448, s. 12; 1965, c. 213.

116-36. Amended by Session Laws 1963, c. 448, s. 13; 1965, c. 213.

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116-38. Amended by Session Laws 1963, c. 448, s. 14.

116-39 to 116-41. Repealed by Session Laws 1963, c. 448, s. 15.

116-41.1. Amended by Session Laws 1963, c. 448, s. 16; c. 944, s. 1; 1965, c. 1033, s. 1.

116-41.4. Amended by Session Laws 1963, c. 944, s. 2; 1965, c. 1033, s. 2; 1967, c. 724.

116-45. Amended by Session Laws 1963, cc. 421, 422; c. 448, s. 21; c. 507; 1965, c. 31, s. 3; c. 1096, s. 6½; 1967, c. 1038.

116-45.2. Amended by Session Laws 1963, c. 956; 1965, c. 31, s. 3.

116-46.3. Amended by Session Laws 1967, c. 1038.

116-46.4. Amended by Session Laws 1967, c. 1038.

116-48. Amended by Session Laws 1963, c. 448, s. 25.

116-53. Amended by Session Laws 1961, c. 1099.

116-105 to 116-117. Amended by Session Laws 1963, c. 448, s. 28.

116-118. Amended by Session Laws 1961, c. 186; 1963, c. 448, s. 28.

116-119, 116-120. Amended by Session Laws 1963, c. 448, s. 28.

116-121 to 116-124. Repealed by Session Laws 1963, c. 448, s. 28.

116-124.1 to 116-125.5. Amended by Session Laws 1963, c. 448, s. 28.

116-126 to 116-137. Repealed by Session Laws 1963, c. 1184, s. 7.

116-138 to 116-142. Amended by Session Laws 1963, c. 448, s. 28.

116-142.1 to 116-142.10. Repealed by Session Laws 1963, c. 1184, s. 8.

116-143. Amended by Session Laws 1961, c. 833, s. 16.1; 1963, c. 448, s. 27.1; 1965, c. 903.

116-149 to 116-153. Repealed by Session Laws 1967, c. 1060, s. 10.

116-155. Amended by Session Laws 1965, c. 1096, s. 1.

116-156. Amended by Session Laws 1965, c. 1096, s. 2.

116-158. Amended by Session Laws 1965, c. 1096, s. 3.

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116-159. Amended by Session Laws 1965, c. 1096, s. 4.

116-160. Amended by Session Laws 1965, c. 1096, s. 5.

116-161. Amended by Session Laws 1963, c. 448, s. 26.

116-163. Amended by Session Laws 1965, c. 1096, s. 6.

116-175. Amended by Session Laws 1963, cc. 421, 422; c. 448, s. 20.1; c. 1158, ss. 1, 1½; 1965, c. 31, s. 3.

116-186. Amended by Session Laws 1963, cc. 421, 422; 1965, c. 31, s. 3.

116-187. Amended by Session Laws 1967, c. 1148, s. 1.

116-189. Amended by Session Laws 1965, c. 31, s. 3; 1967, c. 1148, s. 2.

116-199. Amended by 1965, Ex. Sess., c. 1, s. 1.

116-200. Amended by 1965, Ex. Sess., c. 1, s. 2.

116-202. Amended by Session Laws 1967, c. 955, s. 1.

116-206. Amended by Session Laws 1967, c. 955, s. 2.

117-12. Amended by Session Laws 1967, c. 823, s. 32.

117-19. Amended by Session Laws 1965, c. 287, s. 12.

117-20. Amended bySession Laws 1965, c. 287, s. 13.

117-24. Amended by Session Laws 1965, c. 287, s. 14.

117-27. Repealed by Session Laws 1965, c. 287, s. 15.

117-30. Amended by Session Laws 1965, c. 345, s. 1.

118-10. Amended by Session Laws 1965, c. 624.

118-18. Amended by Session Laws 1961, c. 980.

118-22. Amended by Session Laws 1961, c. 980.

118-25. Amended by Session Laws 1961, c. 980.

119-18. Amended by Session Laws 1967, c. 1110, s. 12.

119-19. Amended by Session Laws 1967, c. 1110, s. 12.

119-20. Repealed by Session Laws 1963, c. 1169, s. 6.

119-23. Amended by Session Laws 1963, c. 245.

119-26. Amended by Session Laws 1961, c. 961.

119-48. Amended by Session Laws 1961, c. 1072.

119-49. Amended by Session Laws 1961, c. 1072; 1963, c. 671; 1967, c. 1231.

119-50. Amended by Session Laws 1961, c. 1072.

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119-51. Amended by Session Laws 1961, c. 1072.

119-52. Amended by Session Laws 1961, c. 1072.

119-53. Amended by Session Laws 1961, c. 1072.

119-54. Amended by Session Laws 1961, c. 1072.

120-1. Amended by Session Laws 1963, Ex. Sess., c. 1; 1966, Ex. Sess., c. 1, s. 1.

120-2. Amended by Session Laws 1961, c. 265; 1966, Ex. Sess., c. 5, s. 1.

120-3. Amended by Session Laws 1965, c. 917; c. 1157, s. 1; 1967, c. 1120.

120-3.1. Amended by Session Laws 1961, c. 889; 1965, c. 86, s. 1.

120-13. Repealed by Session Laws 1961, c. 243, s. 1.

120-22. Amended by Session Laws 1963, c. 213.

120-30. Repealed by Session Laws 1961, c. 24.

120-30.1 to 120-30.9. Repealed by Session Laws 1965, c. 1142.

120-33. Amended by Session Laws 1961, cc. 1176, 1177; 1965, c. 1141; 1967, c. 1236, s. 1.

120-36.1. Amended by Session Laws 1967, c. 25, s. 1.

120-43. Amended by Session Laws 1961, c. 1151.

121-7. Amended by Session Laws 1963, c. 210, s. 1.

121-13.1. Amended by Session Laws 1965, c. 1129.

122-1. Amended by Session Laws 1963, c. 1166, ss. 2, 10.

122-1.1. Amended by Session Laws 1961, c. 1173, ss. 1, 2, 4; 1963, c. 1166, ss. 2, 12.

122-1.2. Amended by Session Laws 1961, c. 513; 1963, c. 1166, ss. 2, 10.

122-1.5. Amended by Session Laws 1965, c. 578.

122-1.6. Amended by Session Laws 1965, c. 929, s. 1.

122-2. Amended by Session Laws 1963, c. 1166, s. 10.

122-2.1. Amended by Session Laws 1963, c. 1166, s. 10.

122-3. Amended by Session Laws 1963, c. 451, s. 1; c. 1166, s. 10.

122-4. Amended by Session Laws 1963, c. 1166, s. 10; 1965, c. 800, s. 1.

122-5. Repealed by Session Laws 1965, c. 800, s. 2.

122-6. Repealed by Session Laws 1965, c. 800, s. 3.

122-7. Repealed by Session Laws 1963, c. 1166, s. 1.

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122-8. Repealed by Session Laws 1963, c. 1166, s. 1.

122-8.1. Amended by Session Laws 1963, c. 1166, s. 10.

122-9. Amended by Session Laws 1963, c. 1166, s. 13.

122-11. Amended by Session Laws 1963, c. 1166, s. 13.

122-11.1 to 122-11.3. Repealed by Session Laws 1963, c. 1166, s. 1.

122-11.4. Amended by Session Laws 1963, c. 1166, s. 10; 1965, c. 800, s. 5.

122-11.6. Amended by Session Laws 1963, c. 1166, s. 10.

122-11.7, 122-11.8. Repealed by Session Laws 1963, c. 1166 s. 1.

122-12. Amended by Session Laws 1963, c. 1166, s. 13.

122-13. Amended by Session Laws 1963, c. 1166, s. 12.

122-13.1. Amended by Session Laws 1963, c. 1166, s. 10.

122-16. Amended by Session Laws 1963, c. 1166, s. 13.

122-17. Amended by Session Laws 1963, c. 1166, s. 13.

122-19. Amended by Session Laws 1963, c. 1166, s. 13.

122-19.1. Repealed by Session Laws 1963, c. 668, s. 4.

122-20. Repealed by Session Laws 1965, c. 800, s. 6.

122-24. Amended by Session Laws 1961, c. 511, s. 1.

122-25. Amended by Session Laws 1963, c. 1166, s. 4.

122-28. Amended by Session Laws 1963, c. 1166, s. 5.

122-31. Amended by Session Laws 1963, c. 1166, s. 13.

122-32. Amended by Session Laws 1963, c. 1166, s. 13.

122-34. Amended by Session Laws 1963, c. 1166, s. 11.

122-35. Amended by Session Laws 1963, c. 1166, s. 11.

122-35.2. Amended by Session Laws 1965, c. 929, s. 2.

122-35.3. Amended by Session Laws 1965, c. 929, s. 3.

122-35.6. Amended by Session Laws 1965, c. 796.

122-35.9. Amended by Session Laws 1965, c. 800, s. 7.

122-35.12. Amended by Session Laws 1965, c. 800, s. 8.

122-36 to 122-39. Amended by Session Laws 1963, c. 1184, s. 1.

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122-40. Amended by Session Laws 1963, c. 1184, s. 1; 1965, c. 800, s. 9.

122-41. Amended by Session Laws 1965, c. 642.

122-52. Repealed by Session Laws 1965, c. 800, s. 10.

122-53 to 122-55. Amended by Session Laws 1963, c. 1184, s. 1.

122-59. Amended by Session Laws 1967, c. 24, s. 19.

122-66. Repealed by Session Laws 1961, c. 511, s. 10.

122-66.1. Amended by Session Laws 1963, c. 1184, s. 4.

122-67. Amended by Session Laws 1961, c. 186; c. 511, s. 11; 1963, c. 1166, s. 10; c. 1184, s. 5.

122-68.1. Amended by Session Laws 1963, c. 1166, s. 10.

122-69.1. Amended by Session Laws 1965, c. 800, s. 11.

122-70. Amended by Session Laws 1965, c. 800, s. 12.

122-72. Amended by Session Laws 1963, c. 1166, s. 7; 1965, c. 1178.

122-73. Amended by Session Laws 1963, c. 1166, s. 8; c. 1184, s. 14.

122-74. Amended by Session Laws 1963, c. 1166, s. 9; c. 1184, s. 15.

122-75. Amended by Session Laws 1963, c. 1184, s. 16.

122-77. Amended by Session Laws 1963, c. 1184, s. 17.

122-78. Amended by Session Laws 1963, c. 1184, s. 18.

122-79. Amended by Session Laws 1963, c. 813, s. 2; c. 1184, s. 19.

122-80. Amended by Session Laws 1963, c. 1184, s. 20.

122-81. Amended by Session Laws 1963, c. 1184, s. 21.

122-81.1. Amended by Session Laws 1963, c. 1184, s. 3.

122-82.1. Amended by Session Laws 1963, c. 1148, s. 3.

122-82.2 Amended by Session Laws 1963, c. 1184, s. 24.

122-83. Amended by Session Laws 1963, c. 1184, s. 25; 1965, c. 929, s. 4.

122-84. Amended by Session Laws 1963, c. 1184, s. 26.

122-85. Amended by Session Laws 1963, c. 1184, s. 27; 1965, c. 800, s. 13.

122-85.1. Amended by Session Laws 1963, c. 1184, s. 28.

122-86 Amended by Session Laws 1963, c. 1184, s. 29.

122-87. Amended by Session Laws 1963, c. 1184, s. 30.

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122-87.1. Amended by Session Laws 1963, c. 1184, s. 31.
122-88. Amended by Session Laws 1963, c. 1184, s. 32.
122-89. Amended by Session Laws 1963, c. 1184, s. 33.
122-91. Amended by Session Laws 1961, c. 511, s. 12; 1963, c. 1184, s. 39.
122-92. Amended by Session Laws 1963, 1166, s. 10.
122-93. Amended by Session Laws 1963, c. 1166, s. 10.
122-94. Amended by Session Laws 1963, c. 1166, s. 10.
122-95. Amended by Session Laws 1963, c. 1166, s. 10; 1965, c. 933.
122-96. Amended by Session Laws 1963, c. 1166, s. 10.
122-98. Amended by Session Laws 1963, c. 1166, s. 10.
122-105. Amended by Session Laws 1965, c. 15.
125-2. Amended by Session Laws 1961, c. 1161.
125-3. Amended by Session Laws 1965, c. 536.
126-1. Amended by Session Laws 1965, c. 640, s. 2.
126-2. Amended by Session Laws 1965, c. 640, s. 2.
126-3. Amended by Session Laws 1965, c. 640, s. 2.
126-4. Amended by Session Laws 1965, c. 640, s. 2.
126-5. Amended by Session Laws 1965, c. 640, s. 2; 1967, c. 24, s. 20; cc. 1038, 1078, 1143.
126-6. Amended by Session Laws 1965, c. 640, s. 2.
126-7. Amended by Session Laws 1965, c. 640, s. 2.
126-8. Amended by Session Laws 1965, c. 640, s. 2.
126-9. Amended by Session Laws 1965, c. 640, s. 2.
126-10. Amended by Session Laws 1965, c. 640, s. 2.
126-11. Amended by Session Laws 1965, c. 640, s. 2.
126-12. Amended by Session Laws 1965, c. 640, s. 2.
127-1. Amended by Session Laws 1963, c. 1016, s. 2; 1967, c. 563, s. 1.
127-2. Amended by Session Laws 1961, c. 192, s. 1; 1963, c. 1016, s. 2.
127-3.1. Amended by Session Laws 1967, c. 563, s. 2.
127-4. Amended by Session Laws 1963, c. 1016 s. 2.
127-6. Repealed by Session Laws 1963, c. 129.

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127-7. Amended by Session Laws 1963, c. 1016, s. 2.
127-10. Amended by Session Laws 1963, c. 1016, s. 2.
127-14. Amended by Session Laws 1963, c. 1016, s. 2; 1967, c. 563, s. 3.
127-16. Amended by Session Laws 1963, c. 1016, s. 2.
127-23. Amended by Session Laws 1963, c. 1095.
127-23.1. Amended by Session Laws 1963, c. 1016, s. 2.
127-27. Amended by Session Laws 1961, c. 192, s. 2; 1963, c. 1016, s. 2.
127-37. Amended by Session Laws 1967, c. 563, s. 4.
127-37.1. Amended by Session Laws 1963, c. 1016, s. 2.
127-38. Amended by Session Laws 1963, c. 1018, s. 1.
127-39. Amended by Session Laws 1963, c. 1018, s. 2.
127-40. Amended by Session Laws 1963, c. 1018, s. 3.
127-41. Amended by Session Laws 1963, c. 1018, s. 4.
127-42. Amended by Session Laws 1963, c. 1018, s. 5.
127-71. Amended by Session Laws 1963, c. 1018, s. 6.
127-73. Amended by Session Laws 1963, c. 1016, s. 2.
127-74. Amended by Session Laws 1963, c. 1016, s. 2.
127-77. Amended by Session Laws 1963, c. 1016, s. 2.
127-79. Amended by Session Laws 1963, c. 1019, s. 1.
127-82. Amended by Session Laws 1965, c. 1058.
127-84. Amended by Session Laws 1967, c. 218, s. 3.
127-86. Amended by Session Laws 1963, c. 1019, s. 2.
127-88. Amended by Session Laws 1963, c. 1019, s. 3.
127-91. Amended by Session Laws 1963, c. 1019, s. 4; 1967, c. 563, s. 5.
127-93. Amended by Session Laws 1965, c. 1019, s. 5.
127-95. Amended by Session Laws 1963, c. 1019, s. 6.
127-98. Amended by Session Laws 1963, c. 1019, s. 7.
127-100. Amended by Session Laws 1963, c. 1019, s. 8.
127-101. Amended by Session Laws 1963, c. 1019, s. 9.
127-102. Amended by Session Laws 1963, c. 1020; 1967, c. 563, s. 6.

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127-103. Amended by Session Laws 1963, c. 1019, s. 10.

127-105. Amended by Session Laws 1963, c. 1018, s. 7.

127-106.1. Amended by Session Laws 1963, c. 1019, s. 11.

127-109. Amended by Session Laws 1963, c. 1017.

127-111. Amended by Session Laws 1963, c. 1016, s. 1.

127-113. Amended by Session Laws 1961, c. 1042.

127-116. Amended by Session Laws 1965, c. 1020, s. 1.

128-1. Amended by Session Laws 1967, c. 24, s. 24.

128-15. Amended by Session Laws 1967, c. 536.

128-16. Amended by Session Laws 1961, c. 991.

128-21. Amended by Session Laws 1961, c. 515, s. 5; 1965, c. 781.

128-24. Amended by Session Laws 1961, c. 515, s. 1; 1965, c. 781; 1967, c. 978, ss. 1, 2.

128-26. Amended by Session Laws 1967, c. 978, ss. 11, 12.

128-27. Amended by Session Laws 1961, c. 515, ss. 2, 6, 7; 1965, c. 781; 1967, c. 978, ss. 3-7.

128-28. Amended by Session Laws 1961, c. 515, ss. 3, 4; 1965, c. 781.

128-29. Amended by Session Laws 1961, c. 397; 1967, c. 978, s. 8.

128-29.1. Amended by Session Laws 1965, c. 415, s. 2.

128-30. Amended by Session Laws 1965, c. 781; 1967, c. 978, ss. 9, 10.

129-17.3. Amended by Session Laws 1963, c. 716.

129-18 to 129-25. Repealed by Session Laws 1965, c. 1002, s. 1.

130-3. Amended by Session Laws 1963, c. 492, ss. 5, 6; 1967, c. 343, s. 2; c. 1257, s. 1.

130-9. Amended by Session Laws 1961, c. 51, s. 3; 1963, c. 859.

130-11. Amended by Session Laws 1961, c. 51, s. 4; c. 833, s 14.

130-13. Amended by Session Laws 1963, c. 359; 1967, c. 1224, s. 1.

130-17. Amended by Session Laws 1963, c. 1087.

130-22. Amended by Session Laws 1967, c. 1224, s. 2.

130-27 to 130-29. Repealed by Session Laws 1963, c. 1166, s. 1.

130-46. Amended by Session Laws 1963, c. 492, ss. 1, 4.

130-47. Amended by Session Laws 1963, c. 492, ss. 3, 4; 1967, c. 1154, s. 5.

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130-49. Amended by Session Laws 1963, c. 492, ss. 2, 4.

130-50. Amended by Session Laws 1963, c. 492, s. 4.

130-52. Amended by Session Laws 1963, c. 492, s. 4.

130-64. Amended by Session Laws 1963, c. 492, s. 4.

130-69. Amended by Session Laws 1963, c. 492, ss. 4, 8.

130-76. Amended by Session Laws 1963, c. 42, s. 7.

130-93.1. Amended by Session Laws 1965, c. 652.

130-95. Amended by Session Laws 1961, c. 753.

130-114. Amended by Session Laws 1967, c. 996, s. 13.

130-124. Amended by Session Laws 1965, c. 135; 1967, c. 24, s. 21.

130-126. Amended by Session Laws 1963, c. 644.

130-128. Amended by Session Laws 1961, cc. 669, 865, 1155; 1963, c. 1232; 1965, c. 496, s. 1; 1967, c. 632; c. 637, s. 1; c. 798, s. 2.

130-129. Amended by Session Laws 1967, c. 723.

130-134. Amended by Session Laws 1963, c. 1247, s. 1.

130-138. Amended by Session Laws 1963, c. 1247, s. 2; 1965, c. 496, s. 2; 1967, c. 637, s. 2.

130-141. Amended by Session Laws 1963, c. 1226; 1965, c. 496, s. 3.

130-144. Amended by Session Laws 1965, c. 496, s. 4.

130-148. Amended by Session Laws 1961, c. 732.

130-151. Amended by Session Laws 1967, c. 4, s. 1.

130-152. Amended by Session Laws 1961, c. 667, s. 1.

130-156. Amended by Session Laws 1961, c. 667, s. 2.

130-161. Amended by Session Laws 1967, c. 892, s. 3.

130-165. Amended by Session Laws 1967, c. 892, s. 3.

130-171. Amended by Session Laws 1965, c. 579, s. 1.

130-173. Amended by Session Laws 1965, c. 579, s. 2.

130-177. Amended by Session Laws 1965, c. 579, s. 3; 1967, c. 771.

130-191.1. Amended by Session Laws 1967, c. 996, s. 15.

130-197. Amended by Session Laws 1963, c. 492, s. 4.

130-200. Amended by Session Laws 1963, c. 492, s. 4.

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130-221 to 130-226. Repealed by Session Laws 1967, c. 892, s. 5.

130-234. Amended by Session Laws 1967, c. 1257, s. 2.

131-9. Amended by Session Laws 1967, c. 466.

131-88. Amended by Session Laws 1967, c. 996, s. 13.

131-115. Amended by Session Laws 1961, c. 988, s. 2.

131-117. Amended by Session Laws 1963, c. 325; 1965, c. 16.

131-119. Repealed by Session Laws 1961, c. 138, s. 1.

131-121. Amended by Session Laws 1963, c. 365, s. 1; c. 493; 1965, c. 485, s. 1; c. 1154.

131-121.1, 131-121.2. Repealed by Session Laws 1965, c. 485, s. 2.

131-122. Repealed by Session Laws 1963, c. 448, s. 17.

131-126.1. Amended by Session Laws 1961, c. 51, s. 1.

131-126.3. Amended by Session Laws 1963, c. 66.

131-126.17. Amended by Session Laws 1963, c. 1166, s. 14.

131-126.18. Amended by Session Laws 1965, c. 863, s. 1.

131-126.19. Amended by Session Laws 1965, c. 863, s. 2.

131-126.20. Amended by Session Laws 1967, c. 820.

131-126.21. Amended by Session Laws 1965, c. 260, s. 1.

131-126.26. Amended by Session Laws 1965, c. 863, s. 3.

131-126.33. Amended by Session Laws 1967, c. 718, s. 1.

131-126.34. Amended by Session Laws 1967, c. 718, s. 2.

131-126.36. Amended by Session Laws 1967, c. 713, ss. 3, 4.

131-126.37. Amended by Session Laws 1967, c. 718, s. 5.

133-1.1. Amended by Session Laws 1963, c. 752.

134-66. Amended by Session Laws 1967, c. 218, s. 4.

134-84.2. Amended by Session Laws 1963, c. 914, s. 4.

134-90. Amended by Session Laws 1963, c. 914, s. 4.

134-91. Amended by Session Laws 1963, c. 914, s. 4.

134-92. Amended by Session Laws 1963, c. 914, s. 4.

134-93. Amended by Session Laws 1963, c. 914, s. 4.

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134-94. Amended by Session Laws 1963, c. 914, s. 4.

134-95. Amended by Session Laws 1963, c. 914, s. 4.

134-96. Amended by Session Laws 1963, c. 914, ss. 4, 5.

134-97. Amended by Session Laws 1963, c. 914, s. 4.

134-98. Amended by Session Laws 1963, c. 914, s. 4.

134-101. Amended by Session Laws 1963, c. 914, s. 4.

134-103. Amended by Session Laws 1963, c. 914, s. 4.

134-104. Amended by Session Laws 1961, c. 186.

134-105. Amended by Session Laws 1963, c. 914, s. 4.

134-107. Amended by Session Laws 1963, c. 914, s. 4.

134-108. Amended by Session Laws 1963, c. 914, s. 4.

134-111. Amended by Session Laws 1963, c. 914, s. 4.

134-112. Amended by Session Laws 1963, c. 914, s. 4.

135-1. Amended by Session Laws 1963, c. 687, s. 1; 1965, c. 750; c. 780, s. 1.

135-3. Amended by Session Laws 1961, c. 516, ss. 1, 2; 1963, c. 687, s. 2; 1965, c. 780, s. 1; c. 1187; 1967, c. 720, ss. 1, 2, 15; c. 1234.

135-3.1. Repealed by Session Laws 1961, c. 516, s. 9.

135-3.2. Repealed by Session Laws 1961, c. 516, s. 9.

135-4. Amended by Session Laws 1961, c. 516, s. 3; c. 779, s. 2; 1963, c. 1262; 1965, c. 780, s. 1; c. 924; 1967, c. 720, s. 3.

135-5. Amended by Session Laws 1961, c. 516, s. 4; c. 779, s. 1; 1963, c. 687, s. 3; 1965, c. 780, s. 1; 1967, c. 720, ss. 4-10; c. 1223.

135-6. Amended by Session Laws 1965, c. 780, s. 1.

135-7. Amended by Session Laws 1961, c. 397; 1965, c. 780, s. 1; 1967, c. 720, s. 11; c. 1205.

135-7.2. Amended by Session Laws 1965, c. 415, s. 1.

135-8. Amended by Session Laws 1963, c. 687, ss. 4, 5; 1965, c. 780, s. 1; 1967, c. 720, ss. 12, 13.

135-18.1. Amended by Session Laws 1961, c. 516, s. 7; 1965, c. 780, s. 1.

135-20. Amended by Session Laws 1965, c. 780, s. 1.

135-24. Amended by Session Laws 1963, c. 687, s. 6.

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135-27. Amended by Session Laws 1961, c. 516, s. 5; 1967, c. 720, s. 14.

135-28. Amended by Session Laws 1961, c. 516, s. 6; 1965, c. 780, s. 1.

135-29. Amended by Session Laws 1961, c. 516, s. 8.

136-1. Amended by Session Laws 1961, c. 232, s. 1; 1965, c. 55, s. 1; c. 1054.

136-2. Amended by Session Laws 1965, c. 55, s. 2; 1967, c. 217.

136-4. Amended by Session Laws 1961, c. 232, s. 2; 1965, c. 55, s. 3.

136-4.1. Amended by Session Laws 1961, c. 232, s. 3; 1965, c. 55, s. 4.

136-4.2. Amended by Session Laws 1965, c. 55, s. 5.

136-4.3. Amended by Session Laws 1965, c. 55, s. 6.

136-13. Amended by Session Laws 1965, c. 55, s. 7.

136-14. Amended by Session Laws 1965, c. 55, s. 9.

136-14.1. Amended by Session Laws 1965, c. 55, s. 10.

136-18. Amended by Session Laws 1963, cc. 520, 1155; 1965, c. 879, s. 1; 1967, c. 1129.

136-19. Amended by Session Laws 1963, c. 638.

136-28. Amended by Session Laws 1963, c. 525.

136-29. Amended by Session Laws 1963, c. 667; 1965, c. 55, s. 11; 1967, c. 873.

136-41.2. Amended by Session Laws 1963, c. 854, ss. 3, 3½.

136-54. Amended by Session Laws 1965, c. 538, s. 2; 1967, c. 1128, s. 1.

136-55. Amended by Sesion Laws 1967, c. 1128, s. 2.

136-55.1. Amended by Session Laws 1967, c. 1128, s. 3.

136-56. Repealed by Session Laws 1967, c. 1128, s. 4.

136-57. Repealed by Session Laws 1965, c. 538, s. 1.

136-59. Amended by Session Laws 1967, c. 1128, s. 5.

136-61. Amended by Session Laws 1961, c. 232, s. 5.

136-62. Amended by Session Laws 1965, c. 55, s. 12.

136-63. Amended by Session Laws 1965, c. 55, s. 13.

136-66.3. Amended by Session Laws 1965, c. 867; 1967, c. 1127.

136-69. Amended by Session Laws 1961, c. 71; 1965, c. 414, s. 1.

136-76. Repealed by Session Laws 1965, c. 76.

136-79. Repealed by Session Laws 1965, c. 491.

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136-89.57. Repealed by Session Laws 1965, c. 474, s. 1.

136-89.58. Amended by Session Laws 1965, c. 474, s. 2.

136-89.77. Repealed by Session Laws 1965, c. 1077.

136-103. Amended by Session Laws 1961, c. 1084, s. 1; 1963, c. 1156, s. 1.

136-104. Amended by Session Laws 1961, c. 1084, s. 2; 1963, c. 1156, s. 2.

136-105. Amended by Session Laws 1961, c. 1084, s. 3; 1965, c. 55, s. 14.

136-106. Amended by Session Laws 1961, c. 1084, s. 4; 1963, c. 1156, ss. 3, 4; 1965, c. 55, s. 15.

136-108. Amended by Session Laws 1963, c. 1156, s. 5.

136-109. Amended by Session Laws 1961, c. 1084, s. 5; 1963, c. 1156, s. 6.

136-110. Amended by Session Laws 1963, c. 1156, s. 7.

136-111. Amended by Session Laws 1961, c. 1084, s. 6; 1963, c. 1156, s. 8; 1965, c. 514, ss. 1, 1½.

136-115. Amended by Session Laws 1961, c. 1084, s. 7; 1965, c. 422.

136-118. Amended by Session Laws 1961, c. 1084, s. 8.

137-31.3. Amended by Session Laws 1963, c. 1005; 1965, c. 190.

138-5. Amended by Session Laws 1963, c. 1049, s. 1; 1965, c. 169.

138-6. Amended by Session Laws 1963, c. 1049, s. 2; 1965, c. 1089.

138-7. Amended by Session Laws 1965, c. 1089.

139-3. Amended by Session Laws 1965, c. 582, s. 1; 1967, c. 987, s. 1.

139-4. Amended by Session Laws 1961, c. 746, s. 2; 1965, c. 582, s. 2; c. 932.

139-5. Amended by Session Laws 1965, c. 582, s. 3.

139-6. Amended by Session Laws 1963, c. 815.

139-7. Amended by Session Laws 1963, c. 563.

139-17. Amended by Session Laws 1961, c. 746, s. 3; 1963, c. 1151, s. 1.

139-18. Amended by Session Laws 1961, c. 746, s. 4; 1963, c. 918, s. 2.

139-21. Amended by Session Laws 1963, c. 1026, s. 1.

139-22. Amended by Session Laws 1963, c. 1026, s. 2.

139-25. Amended by Session Laws 1963, c. 1025, s. 1.

139-26. Amended by Session Laws 1963, c. 1025, s. 2; c. 1151, s. 2; c. 1228, ss. 1-4.

139-27. Amended by Session Laws 1963, c. 1228, s. 5; 1967, c. 1085, s. 1.

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139-28. Amended by Session Laws 1963, c. 1228, s. 7.
139-30. Amended by Session Laws 1963, c. 1228, s. 8.
139-31. Repealed by Session Laws 1963, c. 1228, s. 9.
139-32. Amended by Session Laws 1963, c. 1228, s. 10.
139-35. Amended by Session Laws 1967, c. 1070, ss. 2, 3.
139-39. Amended by Session Laws 1967, c. 987, s. 8.
139-40. Amended by Session Laws 1961, c. 32.
139-41. Amended by Session Laws 1967, c. 987, s. 10.
140-1. Amended by Session Laws 1961, c. 731.
140-2. Amended by Session Laws 1961, c. 731.
140-3. Amended by Session Laws 1961, c. 731.
140-4. Amended by Session Laws 1961, c. 731.
140-5. Amended by Session Laws 1961, c. 731.
140-5.1. Amended by Session Laws 1961, c. 731.
140-5.2. Repealed by Session Laws 1961, c. 731.
140-5.3. Repealed by Session Laws 1961, c. 731.
140-5.4. Repealed by Session Laws 1961, c. 731.
140-5.5. Repealed by Session Laws 1961, c. 731.
140-5.6. Repealed by Session Laws 1961, c. 731.
140-5.7. Repealed by Session Laws 1961, c. 731.
140-5.8. Repealed by Session Laws 1961, c. 731.
142-6. Amended by Session Laws 1965, c. 181, s. 1.
142-8. Amended by Session Laws 1965, c. 181, s. 2.
143-3.2. Amended by Session Laws 1961, c. 1194.
143-6. Amended by Session Laws 1965, c. 310, s. 4.
143-8. Amended by Session Laws 1961, c. 1181, s. 1.
143-19. Amended by Session Laws 1961, c. 1181, s. 2.
143-31. Amended by Session Laws 1961, c. 1181, s. 3.
143-31.1. Amended by Session Laws 1963, c. 423.
143-34.1. Amended by Session Laws 1961, c. 1181, s. 4.

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143-35 to 143-47.5. Repealed by Session Laws 1965, c. 640, s. 1.
143-49. Amended by Session Laws 1961, c. 310.
143-59. Amended by Session Laws 1961, c. 772.
143-64.2. Amended by Session Laws 1965, c. 1105, ss. 1, 2.
143-64.4. Amended by Session Laws 1965, c. 1105, s. 3.
143-117. Amended by Session Laws 1967, c. 188, s. 1; c. 834, s. 1.
143-126. Amended by Session Laws 1967, c. 960.
143-128. Amended by Session Laws 1963, c. 406, ss. 2-7; 1967, c. 860.
143-129. Amended by Session Laws 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860.
143-130. Amended by Session Laws 1967, c. 860.
143-131. Amended by Session Laws 1963, c. 172; 1967, c. 860.
143-132. Amended by Session Laws 1963, c. 289; 1967, c. 860.
143-133. Amended by Session Laws 1967, c. 860.
143-134. Amended by Session Laws 1967, c. 860; c. 996, s. 13.
143-134.1. Amended by Session Laws 1967, c. 860.
143-135. Amended by Session Laws 1967, c. 860.
143-135.1. Amended by Session Laws 1967, c. 860.
143-135.2. Amended by Session Laws 1967, c. 860.
143-135.3. Amended by Session Laws 1967, c. 860.
143-136. Amended by Session Laws 1965, c. 1145.
143-139. Amended by Session Laws 1963, c. 811.
143-166. Amended by Session Laws 1961, c. 397; 1963, cc. 144, 939, 953; 1965, c. 351, ss. 1, 2; 1967, c. 691, s. 52; c. 943.
143-166.1. Amended by Session Laws 1965, c. 937.
143-166.2. Amended by Session Laws 1965, c. 937.
143-166.3. Amended by Session Laws 1965, c. 937.
143-166.4. Amended by Session Laws 1965, c. 937.
143-166.5. Amended by Session Laws 1965, c. 937.
143-166.6. Amended by Session Laws 1965, c. 937.

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143-169. Amended by Session Laws 1961, c. 243, s. 3.

143-178. Amended by Session Laws 1961, c. 1108; 1965, c. 866.

143-189. Repealed by Session Laws 1961, c 481

143-190. Repealed by Session Laws 1961, c 481.

143-205. Amended by Session Laws 1963, c. 542.

143-206. Amended by Session Laws 1963, c. 542.

143-207. Amended by Session Laws 1963, c. 542.

143-208. Amended by Session Laws 1963, c. 542.

143-209. Amended by Session Laws 1963, c. 542.

143-210. Amended by Session Laws 1963, c. 542.

143-215.3. Amended by Session Laws 1963, c. 1086.

143-216. Amended by Session Laws 1961, c. 242.

143-224. Amended by Session Laws 1965, c. 1074.

143-236.2 to 143-236.13. Repealed by Session Laws 1963, c. 686.

143-238. Amended by Session Laws 1965, c. 957, s. 12.

143-239. Amended by Session Laws 1965, c. 957, s. 13.

143-240. Amended by Session Laws 1961, c. 737, s. 1½; 1965, c. 859, s. 2.

143-241. Amended by Session Laws 1961, c. 737, s. 1; 1965, c. 859, s. 3.

143-247. Amended by Session Laws 1965, c. 957, s. 14.

143-248. Amended by Session Laws 1965, c. 957, s. 15.

143-250. Amended by Session Laws 1965, c. 957, s. 16.

143-252. Amended by Session Laws 1965, c. 957, s. 17.

143-280. Amended by Session Laws 1963, c. 1166, s. 10.

143-283.1. Amended by Session Laws 1961, c. 981.

143-283.2. Amended by Session Laws 1961, c. 981.

143-283.3. Amended by Session Laws 1961, c. 981.

143-283.4. Amended by Session Laws 1961, c. 981.

143-283.5. Amended by Session Laws 1961, c. 981.

143-283.10. Amended by Session Laws 1963, c. 1210.

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143-283.23. Amended by Session Laws 1967, c. 24, s. 17.

143-284 Amended by Session Laws 1961, c. 650.

143-286 Amended by Session Laws 1961, c. 214; 1963, c. 612, s. 1.

143-286.1. Amended by Session Laws 1963, c. 612, s. 2.

143-290. Amended by Session Laws 1963, c. 612, s. 3.

143-291. Amended by Session Laws 1965, c. 256, s. 1; 1967, c. 1206, s. 1.

143-293. Amended by Session Laws 1967, c. 655, s. 1.

143-294. Amended by Session Laws 1967, c. 655, s. 2.

143-297. Amended by Session Laws 1963, c. 1063.

143-300.1. Amended by Session Laws 1961, c. 1102, ss. 1-3; 1967, c. 1032, s. 1.

143-336. Amended by Session Laws 1963, c. 1, s. 6.

143-341. Amended by Session Laws 1963, c. 1, s. 5; 1965, c. 1023.

143-348, 143-349. Repealed by Session Laws 1967, c. 892, s. 2.

143-350. Amended by Session Laws 1967, c. 892, s. 12.

143-351. Repealed by Session Laws 1967, c. 892, s. 2.

143-353. Repealed by Session Laws 1967, c. 892, s. 2.

143-354. Amended by Session Laws 1967, c. 1071, ss. 1, 2.

143-355. Amended by Session Laws 1961, c. 315; 1967, c. 1069, ss. 1-3; c. 1070, s. 1; c. 1071, ss. 3, 4; c. 1117, s. 1.

143-363. Amended by Session Laws 1963, c. 52.

143-374. Amended by Session Laws 1967, c. 69.

143-375. Amended by Session Laws 1967, c. 69.

143-376. Amended by Session Laws 1967, c. 69.

143-377. Amended by Session Laws 1967, c. 69.

143-378. Amended by Session Laws 1967, c. 69.

146-24. Amended by Session Laws 1967, c. 512, s. 1.

147-11. Amended by Session Laws 1961, c. 1157; 1963, c. 1178, s. 1; 1965, c. 1091, s. 1.

147-12. Amended by Session Laws 1967, c. 1253.

147-15. Amended by Session Laws 1961, c. 738, s. 1.

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147-17. Amended by Session Laws 1961, c. 1007; 1963, c. 1009; 1967, c. 1092, s. 2.

147-33. Amended by Session Laws 1963, c. 1050.

147-35. Amended by Session Laws 1963, c. 1178, s. 1; 1967, c. 1130; c. 1237, s. 1.

147-36. Amended by Session Laws 1967, c. 691, s. 53.

147-45. Amended by Session Laws 1965, c. 503; 1967, c. 691, s. 54; cc. 695, 777, 1038, 1073, 1200.

147-48. Amended by Session Laws 1967, c. 691, s. 55.

147-49. Amended by Session Laws 1967, c. 691, s. 56.

147-50. Amended by Session Laws 1967, cc. 1038, 1065.

147-55. Amended by Session Laws 1963, c. 1178, s. 1; 1967, c. 1130; c. 1237, s. 1.

147-62. Amended by Session Laws 1965, c. 1179.

147-65. Amended by Session Laws 1963, c. 1178, s. 1; 1967, c. 1130; c. 1237, s. 1.

147-69. Amended by Session Laws 1967, c. 398, s. 2.

147-69.1. Amended by Session Laws 1961, c. 833, s. 2.2; 1967, c. 398, s. 1.

148-1. Amended by Session Laws 1967, c. 996, s. 1.

148-2. Amended by Session Laws 1967, c. 996, s. 14.

148-3. Amended by Session Laws 1967, c. 996, s. 13.

148-4. Amended by Session Laws 1965, c. 1042; 1967, c. 996, ss. 13, 15.

148-5. Amended by Session Laws 1967, c. 996, s. 15.

148-6. Amended by Session Laws 1967, c. 996, s. 13.

148-7. Amended by Session Laws 1967, c. 996, s. 13.

148-8. Amended by Session Laws 1967, c. 996, s. 13.

148-10. Amended by Session Laws 1967, c. 996, s. 13.

148-11. Amended by Session Laws 1967, c. 996, ss. 14, 15.

148-12. Amended by Session Laws 1967, c. 996, s. 2.

148-18. Amended by Session Laws 1967, c. 996, s. 3.

148-19. Amended by Session Laws 1967, c. 996, s. 4.

148-20. Amended by Session Laws 1963, c. 1174, s. 1; 1967, c. 996, s. 15.

148-21. Repealed by Session Laws 1963, c. 1174, s. 5.

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148-22. Amended by Session Laws 1967, c. 996, s. 5.

148-22.1. Amended by Session Laws 1967, c. 996, s. 13.

148-23. Amended by Session Laws 1967, c. 996, s. 13.

148-24. Amended by Session Laws 1967, c. 996, s. 6.

148-25. Amended by Session Laws 1967, c. 996, s. 15.

148-26. Amended by Session Laws 1967, c. 996, s. 13.

148-27. Amended by Session Laws 1967, c. 996, s. 13.

148-29. Amended by Session Laws 1967, c. 996, s. 13.

148-30. Amended by Session Laws 1967, c. 996, s. 13.

148-32. Amended by Session Laws 1967, c. 996, s. 13.

148-33. Amended by Session Laws 1961, c. 966; 1967, c. 996, ss. 13, 15.

148-33.1. Amended by Session Laws 1961, c. 420; 1963, c. 469, ss. 1, 2; 1967, c. 684; c. 996, s. 13.

148-36. Amended by Session Laws 1967, c. 996, s. 7.

148-37. Amended by Session Laws 1967, c. 996, s. 8.

148-40. Amended by Session Laws 1967, c. 996, s. 13.

148-41. Amended by Session Laws 1967, c. 996, ss. 13, 15.

148-42. Amended by Session Laws 1967, c. 996, s. 9.

148-43. Repealed by Session Laws 1963, c. 1174, s. 5.

148-44. Amended by Session Laws 1963, c. 1174, s. 2.

148-45. Amended by Session Laws 1963, c. 681; 1965, c. 283; 1967, c. 996, s. 13.

148-46.1. Amended by Session Laws 1967, c. 996, s. 13.

148-47. Amended by Session Laws 1961, c. 186.

148-49.1. Amended by Session Laws 1963, c. 1166, s. 10; 1967, c. 996, s. 10.

148-49.2. Amended by Session Laws 1967, c. 996, s. 10.

148-49.3. Amended by Session Laws 1963, c. 1166, s. 10; 1967, c. 996, s. 10.

148-49.4. Amended by Session Laws 1963, c. 1166, s. 10; 1967, c. 996, s. 10.

148-49.5. Amended by Session Laws 1963, c. 1166, s. 10; 1967, c. 996, s. 10.

148-49.6. Amended by Session Laws 1963, c. 1166, s. 10; 1967, c. 996, s. 10.

148-55. Amended by Session Laws 1963, c. 1174, s. 3.

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148-56. Amended by Session Laws 1961, c. 186.

148-59. Amended by Session Laws 1967, c. 996, s. 13.

148-64. Amended by Session Laws 1967, c. 996, ss. 11, 15.

148-66. Amended by Session Laws 1967, c. 996, s. 13.

148-67. Amended by Session Laws 1967, c. 996, s. 13.

148-70. Amended by Session Laws 1967, c. 996, s. 13.

148-74. Amended by Session Laws 1967, c. 996, s. 12.

148-75. Repealed by Session Laws 1963, c. 1174, s. 5.

148-76. Amended by Session Laws 1967, c. 996, s. 12.

148-77. Amended by Session Laws 1967, c. 996, s. 12.

148-78. Amended by Session Laws 1967, c. 996, s. 12.

148-79. Repealed by Session Laws 1965, c. 1049, s. 2.

148-80. Amended by Session Laws 1967, c. 996, s. 12.

148-81. Repealed by Session Laws 1965, c. c. 1049, s. 2.

148-83. Amended by Session Laws 1963, c. 1174, s. 4.

148-84. Amended by Session Laws 1963, c. 1174, s. 4.

150-9. Amended by Session Laws 1967, c. 452; c. 910, s. 21; c. 1031.

152-5. Amended by Session Laws 1967, c. 1154, s. 6.

152-7. Amended by Session Laws 1967, c. 1154, s. 6.

152A-12. Amended by Session Laws 1965, c. 1113; 1967, cc. 192, 459, 485.

153-5. Amended by Session Laws 1961, c. 101; 1963, cc. 215, 217, 351; 1965, cc. 459, 476; c. 664, s. 1; c. 964, s. 1; 1967, cc 158, 982.

153-6. Amended by Session Laws 1965, cc. 239, 382, 1967, cc. 7, 424, 439, 1022.

153-8. Amended by Session Laws 1961, c. 154; 1967, c. 617, s. 1.

153-9. Amended by Session Laws 1961, cc 191, 193, 266, 290 301; c 350, s 1; c 492, s 2, cc 579 581 582, 584, 631, 656, 691, 693, 705, 763, 777 809 811 816 884; c 948 s 1; cc. 1036, 1045, 1082, 1083 1126; 1963 cc. 181, 290, 314 562; c 569, s 1, cc. 639 701, 794, 833, 868, 873; c. 1060, ss. 1, 1½; 1965, cc. 26, 180, 243; c. 307, s. 1; cc. 357, 371, 388, 453, 494, 518, 531, 567, 626, 665, 701, 702, 801, 846, 881, 934, 1053, 1083, 1158; 1967, cc. 45, 73; c. 80, ss. 1-2½; cc. 103, 113, 219, 227, 238, 319; c. 343, s. 5; c. 478; c. 495, ss. 1-3; c. 581, s. 1; c. 668; c. 829, s. 2; cc. 879, 1002, 1074.

153-10. Amended by Session Laws 1961, cc 279, 452.

153-10.1. Amended by Session Laws 1961, cc. 40, 711, 803, c. 806, s. 1; 1965, c. 452; 1967, cc. 34, 90; c. 495, s. 4.

153-40. Amended by Session Laws 1963, c. 372.

153-48.5. Amended by Session Laws 1961, cc. 108, 296; c. 350, s. 2; c. 467, s. 1; c. 492, s. 1; cc. 692, 713, 1135; 1963, c. 30, s. 1; c. 181; c. 208, ss. 1, 2; c. 558; c. 569, s. 2; cc. 580, 799, 1263; 1965, cc. 816, 824; 1967, c. 167, s. 2; cc. 528, 667; c. 829, s. 1.

153-49.1. Repealed by Session Laws 1967, c. 581, s. 2.

153-54. Amended by Session Laws 1965, c. 682, s. 1.

153-55. Amended by Session Laws 1965, c. 682, s. 1.

153-56. Amended by Session Laws 1965, c. 682, s. 1.

153-57. Amended by Session Laws 1965, c. 682, s. 1.

153-58. Amended by Session Laws 1965, c. 682, s. 1.

153-77. Amended by Session Laws 1961, c. 293; c. 1001, s. 2; 1965, c 307, s. 2; 1967, c. 987, s. 2; c. 1001, s. 1.

153-80. Amended by Session Laws 1967, c. 987, s. 3; c. 1001, s. 2; c. 1086, ss. 1, 2.

153-82. Amended by Session Laws 1967, c. 1086, s. 3.

153-111. Amended by Session Laws 1961, c. 663 s. 1; 1963, c. 1172 s. 1.

153-142.6½. Repealed by Session Laws 1967, c. 1189.

153-142.9 Amended by Session Laws 1961, c. 430

153-142.10 to 153-142.21. Repealed by Session Laws 1967, c. 1189.

153-142.24. Amended by Session Laws 1967, c. 798, s. 2.

153-152. Amended by Session Laws 1967, c. 333.

153-154 Amended by Session Laws 1961, c 139, s 1

153-166 Amended by Session Laws 1961, c 139, s. 1

153-168 Amended by Session Laws 1961, c 139, s. 1

153-174. Amended by Session Laws 1961, c. 186.

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153-175. Amended by Session Laws 1961, c. 139. s. 1.

153-176.1. Amended by Session Laws 1963, c. 505.

153-179, 153-180. Repealed by Session Laws 1967, c. 581, s. 4.

153-189.1. Amended by Session Laws 1967, c. 996, ss. 13, 15.

153-266.1. Amended by Session Laws 1965, c. 195.

153-266.9. Amended by Session Laws 1961, cc. 29 260; c 390, s 1; cc. 554, 596, 977; 1963, cc 715, 872; 1965, cc. 21, 337; c. 348, s. 1; c. 526, s. 2.

153-266.10. Amended by Session Laws 1967, c. 1208, s. 4.

153-266.13. Amended by Session Laws 1965, c. 194, s. 2.

153-266.14. Amended by Session Laws 1965, c. 194, s. 3.

153-266.17. Amended by Session Laws 1965, c. 194, s. 4; 1967, c. 1208, ss. 5-7.

153-266.18 Amended by Session Laws 1961 c. 414

153-266.22. Amended by Session Laws 1961, cc. 28, 61, 102; c. 390, s. 2; cc. 551, 553, 586, 598, 638, 978; 1963, cc. 275, 529, 1035; 1965, cc. 21, 337; c. 348, s. 1A; c. 526, s. 3; c. 1079; 1967, cc. 518, 521.

153-271 Amended by Session Laws 1961, c 270

153-294.18. Amended by Session Laws 1965 c. 969, s. 2.

153-294.19. Amended by Session Laws 1965, cc. 109, 149, 261; c. 969, s. 1, 1967, cc. 459, 473.

153-298. Amended by Session Laws 1963, c. 471.

154-3 Amended by Session Laws 1961, c. 426; 1965, c. 341.

156-57. Amended by Session Laws 1967, c. 621.

156-59. Amended by Session Laws 1961, c. 614, s. 4; c. 1198

156-61 Amended by Session Laws 1961, c. 614, s 6, c 662

156-64. Amended by Session Laws 1963, c. 767, s. 1.

156-69 Amended by Session Laws 1961, c. 614, ss 5, 9; 1965, c. 1143, s. 1.

156-70.1. Amended by Session Laws 1965, c 1143, s. 2.

156-71. Amended by Session Laws 1961 c. 614 s 7

156-73. Amended by Session Laws 1963, c. 767, s. 2.

156-74 Amended by Session Laws 1961, c. 1198.

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156-76. Amended by Session Laws 1961, c. 1198

156-79. Amended by Session Laws 1963, c. 767, s. 3.

156-82.1. Amended by Session Laws 1965, c. 1143, s. 3.

156-83. Amended by Session Laws 1961, c. 1198; 1963, c. 767, s. 5.

156-84. Amended by Session Laws 1963, c. 767, s. 6.

156-93.1. Amended by Session Laws 1961, c. 614, s. 8.

156-93.3. Amended by Session Laws 1965, c. 1143, s. 4.

156-93.7. Amended by Session Laws 1965, c. 1143, s. 5.

156-96. Amended by Session Laws 1963, c. 767, s. 4.

156-97. Amended by Session Laws 1961, c. 601, s. 1; 1963, c. 767, s. 4.

156-97.1. Amended by Session Laws 1961, c. 601, s. 3; 1963, c. 767, ss. 4, 7.

156-98 Amended by Session Laws 1961, c. 601, s 2.

156-99. Amended by Session Laws 1963 c. 767, s. 8.

156-109. Amended by Session Laws 1963, c. 767, s. 4.

156-111. Amended by Session Laws 1963, c 767, s. 4.

156-112. Amended by Session Laws 1963, c. 767 s. 4.

156-113. Amended by Session Laws 1963, c. 767, s 4.

156-116. Amended by Session Laws 1963, c 767, s. 4.

156-118 to 156-120. Repealed by Session Laws 1961, c 614, s. 11

156-124.1. Repealed by Session Laws 1961, c 614, s 11

156-133. Amended by Session Laws 1963, c. 767 s. 11.

156-134. Amended by Session Laws 1963, c 767 s. 4.

157-3. Amended by Session Laws 1961, c. 200, s. 1

157-4 Amended by Session Laws 1961, c. 987.

157-39.1 Amended by Session Laws 1961, c 200, s 2

157-39.5 Amended by Session Laws 1961, c. 200, s. 3; 1965, c. 431, s. 3.

157-41 Amended by Session Laws 1961 c. 200, s. 4.

158-1 Amended by Session Laws 1961 c. 294

158-2. Amended by Session Laws 1963 c. 1229 s 1.

158-14. Amended by Session Laws 1965, c. 431, s. 2.

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158-24. Amended by Session Laws 1961, cc. 208, 228, 339, 560, 683, 701, 1011, 1058; 1963, c. 157, s. 2; cc. 443, 504, 506, 613, 1101; 1965, cc. 189, 523, 622.
159-3. Amended by Session Laws 1963, c. 1130.
159-25. Amended by Session Laws 1967, c. 798, s. 2.
159-42. Amended by Session Laws 1961, c. 1106.
159-49.1. Amended by Session Laws 1967, c. 798, s. 2.
159-49.2. Repealed by Session Laws 1967, c. 798, s. 2.
160-2. Amended by Session Laws 1961, c. 308; 1967, c. 100, s. 2; c. 1122, s. 1.
160-13 to 160-16. Repealed by Session Laws 1967, c. 826, s. 1.
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160-178. Amended by Session Laws 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1.
160-181.2. Amended by Session Laws 1961. c. 103. c 548. ss 1. 1¾; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22; c. 197, s. 2; cc. 246, 685; 1208, s. 3.
160-183. Amended by Session Laws 1961, c. 398, s. 1.
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160-200. Amended by Session Laws 1961, c. 309; 1963, cc. 789, 790, 986; 1965, cc. 931, 945, 1019, 1156; 1967, cc. 1215, 1250.
160-204. Amended by Session Laws 1961, c. 982.
160-226.3. Amended by Session Laws 1961, c. 1168.
160-227.1. Amended by Session Laws 1961, cc. 54, 180, 425, 539 690, 857, 877, 899, 913, 942; 1963, cc. 57, 594, 740, 792; c. 896, s. 1; 1965, cc. 208, 389, 467, 670, 671, 814, 949, 973; 1967, c. 544.
160-229. Amended by Session Laws 1965, c. 729.
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160-417. Amended by Session Laws 1967, c. 100, s. 1; c. 711, s. 2.

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160-453.11. Amended by Session Laws 1961, c. 655, s. 1; 1967, c. 1226, s. 2.

160-453.12. Amended by Session Laws 1961, c. 1081; 1965, cc. 782, 875; 1967, c. 156, s. 1; c. 1056, s. 2.

160-453.23. Amended by Session Laws 1961, c. 655, s. 2; 1967, c. 1226, s. 3.

160-453.24. Amended by Session Laws 1961, cc. 468, 787; 1963, c. 728; 1967, c. 156, s. 2; c. 1056, s. 3.

160-456 Amended by Session Laws 1961, c. 837, ss. 2-4, 6; 1967, c. 1249.

160-459. Amended by Session Laws 1967, c. 932, s. 4.

160-462. Amended by Session Laws 1961, c. 837, ss. 5, 7.

160-463. Amended by Session Laws 1961, c. 837, s. 8; 1965, c. 808.

160-464. Amended by Session Laws 1961, c. 837, s. 9; 1963, c. 1212, ss. 1, 2; 1965, c. 679, s. 2; 1967, c. 24, s. 18; c. 932, s. 1.

160-465. Amended by Session Laws 1965, c. 679, s. 3; c. 1132; 1967, c. 932, ss. 2, 3.

160-466. Amended by Session Laws 1961, c. 837 s. 10.

160-474.1. Amended by Session Laws 1965, c. 680.

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160-482. Amended by Session Laws 1965, c. 998, s. 3.

160-498. Amended by Session Laws 1965, c. 998, s. 4.

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165-13. Amended by Session Laws 1967, c. 1060, s. 2.

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165-18. Amended by Session Laws 1967, c. 1060, s. 7.

165-28. Amended by Session Laws 1965, c. 367.

STATE OF NORTH CAROLINA

DEPARTMENT OF JUSTICE

Raleigh, North Carolina

November 1, 1967

I, Thomas Wade Bruton, Attorney General of North Carolina, do hereby certify that the foregoing 1967 Cumulative Supplement to the General Statutes of North Carolina was prepared and published by The Michie Company under the supervision of the Division of Legislative Drafting and Codification of Statutes of the Department of Justice of the State of North Carolina.

THOMAS WADE BRUTON
Attorney General of North Carolina

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